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ABSTRACT

Recognizing that unrestricted working conditions for 16- and 17-year-olds may disturb their ability to succeed academically, the Hawaii Legislative Reference Bureau conducted a study to explore the effects of minors' employment on the education they received and to determine if changing the state's child labor law would serve minors' educational needs and the state's interests. Data were collected by administering surveys to principals, guidance counselors, teachers, local businesses, and the students themselves. Additionally, local officials provided information through interviews and sharing of departmental files. Following a brief introduction, the second chapter discusses current state and federal child labor laws, focusing on overlapping jurisdictions. The third chapter treats the teenage employment problem in Hawaii and offers some comparison with other national studies. Chapter 4 compares working student and nonworking student statistics, revealing the effects on students as their hours worked per week increases. Chapter 5 discusses whether the data support enacting a curfew, along with other possible solutions. Finally, chapter 6 discusses findings and recommendations, including a 9:30 curfew for 16- and 17-year-olds working on school nights and a restriction of hours worked per week to 28. Appendices include Senate Concurrent Resolution #174, a sample application for minor's certificate of employment, and surveys of high school principals and guidance counselors, teachers, and employers of high school students. (MLH)

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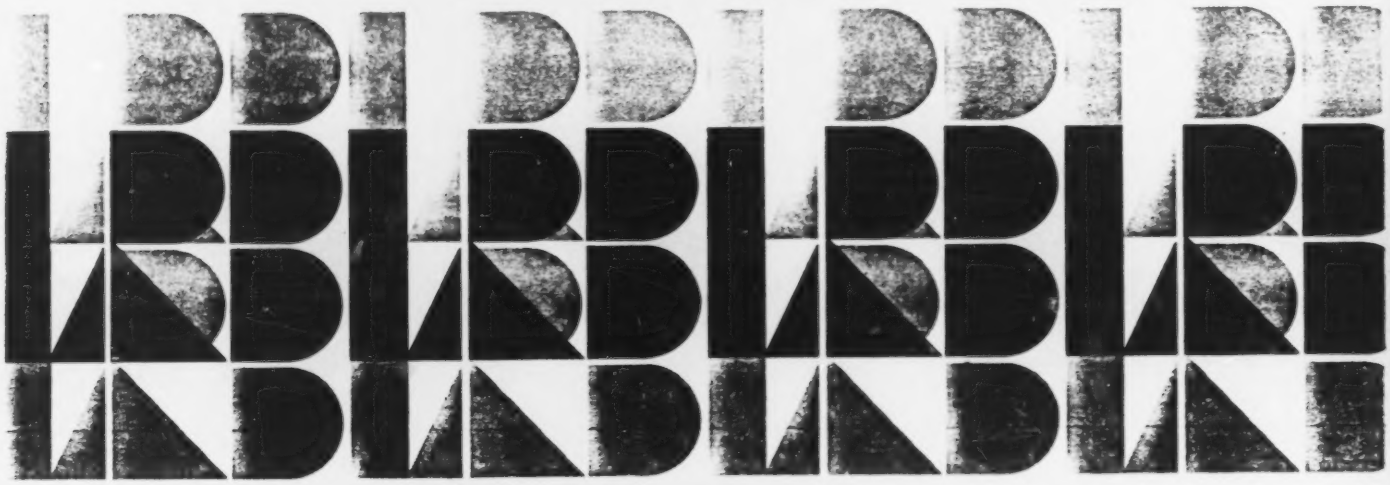

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15. Establishing a format for, and compiling and publishing an index of, rules adopted under the Administrative Procedure Act.

WORKING TO LEARN/LEARNING TO WORK: SECONDARY EDUCATION'S DILEMMA

Pamela Martin
Researcher

Report No. 8, 1990

Legislative Reference Bureau
State Capitol
Honolulu, Hawaii 96813

FOREWORD

This study was prepared in response to Senate Concurrent Resolution No. 174, adopted during the Regular Session of 1990. The resolution requested the Legislative Reference Bureau to study the employment situation of sixteen- and seventeen-year-old high school students to determine whether or not it was desirable to amend the current child labor law and impose an eight o'clock curfew.

The Bureau extends its appreciation to all who cooperated and assisted with its investigation including all those who responded to the various surveys distributed in the community. The Bureau wishes to extend a specific thanks to Cynthia Miller, former researcher with the Bureau who must be credited for the bulk of the initial research for the study; Rodney Yasunari, Enforcement Division of the Department of Labor and Industrial Relations; Joanne Swearingen, Administrator, Department of Education, Sharon Mahone and Wilbert Holt, the Hawaii State Teachers Association; Sam Slom, Small Business Hawaii, The Chamber of Commerce of Hawaii; and Cory Nomura and Sean Breannan, student interns.

Samuel B. K. Chang
Director

December 1990

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Chapter 1

INTRODUCTION

Senate Concurrent Resolution No. 174 (see Appendix A) requested the Legislative Reference Bureau to study the working hours of older students. The resolution was adopted by the Fifteenth Legislature, Regular Session of 1990 on April 16 in the Senate and on April 30 in the House of Representatives. Recognizing that a basic necessity for the success in an academic program is regular school attendance and being aware of the increased job opportunities that the older teenager is taking advantage of, the Legislature expressed concern that unrestricted working conditions for sixteen- and seventeen-year-olds may disturb their ability to succeed academically. This issue is obviously a concern to the taxpayer as the State of Hawaii spent approximately $4,776 per student, almost $1,000 more per student than the national average of $3,987,[1] to provide an education to secondary school minors. The per student cost is up from $1,718 in 1976-77, and $3,748 in 1986-87.[2] The Legislative Reference Bureau (hereafter Bureau) conducted this study to address these concerns regarding the interrelationships of a minor's employment and its effect on the minor's education received.

Objective

The objective of this study was to develop information on the extent of the effects of employment on the education of a minor and whether or not a change in the State's child labor law would serve the educational needs of the minor and the future of the State. While many factors may contribute to a teen's performance in school, employment of minors is one factor that has not been studied extensively at all, particularly in this State, in terms of quantifying its effects on the minor's academic performance.

Shifts in Hawaii's population in the last decade show the number of people of age fifteen to twenty-four has decreased 12 percent.[3] This is a significant fact because these young adults are a large portion of the low-cost service labor that is required to keep many businesses operating. This reduction in available employees could create circumstances for teens that might encourage situations that are unfavorable to the successful and satisfactory completion of a high school education.

This study explores teen employment in Hawaii and attempts to analyze the fragmented data to determine if changes are warranted in the current child labor laws. Although the report examines data for all high school students the study focuses on sixteen- and seventeen-year-olds in particular.

This study examines the extent of the problem as postulated in S.C.R. No. 174 and proposes alternative ways to change the process to allow for more protection and support of the youth of Hawaii.

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Methodology

The Bureau collected data by designing and administering surveys to principals, guidance counselors, teachers, local businesses, and the students themselves. In addition to the surveys, local officials provided information through interviews and sharing of departmental files.

The report is organized to be used without having to read it in its entirety. The first chapter is the introduction. The second chapter is a discussion of the current state and federal child labor laws. It includes the legislative history of the state law as well as a discussion on the overlapping jurisdiction of federal and state law. The third chapter covers the scope of the teenage employment problem in Hawaii and offers some comparison with other national studies. The fourth chapter compares characteristics of the working student versus the nonworking student. Chapter 4 also reveals the effects of students as their hours worked per week increases. Chapter 5 discusses whether or not the data support the enactment of a curfew along with other possible solutions. Finally, Chapter 6 discusses the findings and recommendations.

ENDNOTES

1. American Education at a Glance (pamphlet). National Center for Education Statistics. Office of Educational Research and Improvement. U.S. Department of Education. February 1990.

2. The State of Hawaii Data Book. State of Hawaii. 1988. pg 94.

3. Economic Indicators. First Hawaiian Bank. Research Department. July/August 1990.

Chapter 2

CHILD LABOR LAWS

I. Hawaii Laws

A. Generally

The child labor laws of the State of Hawaii are set forth in chapter 390, *Hawaii Revised Statutes* (hereafter *HRS*). Virtually unchanged for twenty years, chapter 390 prohibits a minor under the age of eighteen[1] from working except as provided in that chapter. The law generally provides that no minor under the age of eighteen shall be employed in any unlawful occupation or an occupation that may be hazardous to the minor.[2] Section 390-2(a), *HRS*, sets out these general rules:

> **§390-2 Employment of minors under eighteen years of age.** (a) No minor under eighteen years of age shall be employed or permitted to work in, about or in connection with any gainful occupation at any time except as otherwise provided in this section. In no event, however, shall the minor be permitted to be employed or permitted to work in, about or in connection with any gainful occupation prohibited by law or which has been declared by rule or regulation of the director to be hazardous for the minor.
>
> * * *

Two more general qualifications can be found in the remaining three subsections of section 390-2, which address provisions for specific age groups. Section 390-2(b), (c), and (d), all provide that minors may only work when they are "not legally required to be in school or when the minor is excused by school authorities from attending school." "Legally required to be in school" is not defined in chapter 390. It is generally accepted that "legally required to be in school" refers to section 298-9, *HRS*, which requires compulsory school attendance at either a public or private school for all minors under the age of eighteen. Exceptions to compulsory school attendance that are relevant to the focus of this study include any child who has reached the age of fifteen, is employed, and has been excused from school attendance by the superintendent of education.[3]

The other qualification mentioned in section 390-2(b), (c), and (d), "excused by school authorities," is a broad category that may include organized work/study programs sponsored by the school to the request of a parent to excuse their child. In a phone survey of several high schools, the Bureau found that both private and public school officials will not officially excuse a student from school to work unless it is part of a structured program sponsored by the school. All of the schools did reveal that parents routinely requested the school to excuse their children from classes for irregular work plans and vacation plans. Because the school considers these parental requests unexcused absences the school makes it clear that the parent and the child

are still responsible for any missed classwork with little or no opportunity for teacher-assisted, make-up time.

The law sets specific parameters for all age groups and places a burden on employers to obtain and keep on file, accurate records of a minor's authority to work. As would be expected, the restrictions on working decrease as the child grows older. Chapter 390 sets different limits for three age groups:

(1) Sixteen- and seventeen-year-olds;

(2) Fourteen- and fifteen-year-olds; and

(3) Under fourteen years old.

1. Sixteen- and Seventeen-Year-Olds

Section 390-2(b), *HRS*, speaks directly to employment of sixteen- and seventeen-year-olds and apart from the general restrictions mentioned above the law sets no further conditions on employment of sixteen- and seventeen-year-olds other than requiring the employer to maintain the number of a valid certificate of age for that minor.

* * *

> (b) A minor who has attained the age of sixteen years but not eighteen years may be employed during periods when the minor is not legally required to attend school or when the minor is excused by school authorities from attending school; provided that the employer of the minor records and keeps on file the number of a valid certificate of age issued to the minor by the department.

* * *

Certificate of Age. A certificate of age is a wallet-size card issued by the Department of Labor and Industrial Relations (hereafter DLIR) to sixteen- and seventeen-year-olds. The certificate of age is issued to any sixteen- or seventeen-year-old who presents acceptable proof of age to the child labor enforcement office.[4] There is no application to complete and no parent needs to sign anything. Nor is the minor required to have the promise of a job. Instructions for obtaining the certificate of age state that "[t]here are no restrictions on hours of work" for sixteen- and seventeen-year-olds but the employer is required to record and keep on file the number of the certificate of age.

The DLIR has no authority to refuse to issue a certificate of age if proper documentation is shown, but may revoke, suspend or invalidate one if improperly issued, or if the minor was illegally employed or the job the minor was hired for is injurious to the well-being of the minor.[5]

2. Fourteen- and Fifteen-Year-Olds

The laws and rules regarding employment of fourteen- and fifteen-year-old minors are more particular about the requirements governing students' work. Section 390-2(c), *HRS*, specifically states:

* * *

> (c) A minor who has attained the age of fourteen years but not sixteen years may be employed or permitted to work:
>
> (1) During periods when the minor is not legally required to attend school or when the minor is excused by school authorities from attending school; and
>
> (2) If the employer of the minor procures and keeps on file a valid certificate of employment; and
>
> (3) No more than five hours continuously without an interval of at least thirty consecutive minutes for a rest or lunch period; and
>
> (4) No more than six consecutive days nor more than forty hours in any one week, nor more than eight hours in any one day, nor before 7:00 a.m. nor after 7:00 p.m. of any day; provided that from June 1 through the day before Labor Day of each year the minor may be employed between 6:00 a.m. and 9:00 p.m. The combined hours of work and hours in school of the minor employed outside school hours shall not exceed ten in a day.

* * *

Fourteen- and fifteen-year-old youths are prohibited from working more than five continuous hours without a thirty-minute break and the combined hours of school time and work time in any given day cannot be greater than ten hours. A public high school day usually starts around 8:00 a.m. and usually ends around 2:15 or 2:30,[6] approximately six hours, although instructional time of five hours is uniform across the State.[7] It is not clear if the time between classes must be counted in the computation of total hours of school time plus work time. This allows approximately four hours a day for the fourteen- and fifteen-year-old minor to work on school days. Fourteen- and fifteen-year-olds are also prohibited from working before 7:00 a.m. and after 7:00 p.m. during the months when school is in session resulting in the hours of their employment to occur between 2:30 p.m. and 7:00 p.m.

The rules expand the earning opportunity in the area of theatrical employment for fourteen- and fifteen-year-olds by extending the curfew to 9:30 p.m., but in no case can fourteen- and fifteen-year-olds work more than eight hours in any one day.[8]

Certificate of Employment. Every employer of a minor under the age of sixteen is required to have a DLIR certificate of employment for each minor under age sixteen. The application for a certificate of employment (See Form CL-1, Appendix B) requests detailed information about the minor's position and hours employed. Instructions on the back of the application clearly state the permitted hours of employment prescribed by law.

The certificate of employment is an effective device for both informational purposes as well as permitting "detection of illegal employment before it occurs,"[9] which was one of its original purposes. If employers plan to employ minors beyond the limits of the law, the DLIR can and will alert the employer with a simple phone call and will modify the application for the employer to reflect that conversation. The DLIR staff may refuse to issue the certificate of employment if in their judgment the nature of the employment or the place of the employment will "injuriously affect the health, safety or well-being of the minor or contribute toward the minor's delinquency."[10]

The certificate of employment may be suspended, revoked, or invalidated by the director "if in the director's judgment it was improperly issued, the minor is illegally employed, or the nature or condition of employment is such as to injuriously affect the health, safety or well-being of the minor or contribute toward the minor's delinquency"[11]

3. Under Fourteen Years Old

Children under fourteen years of age are permitted to be employed in special circumstances related to theatrical positions and coffee harvesting where the minor has obtained, and the employer keeps on file, a valid certificate of employment. Section 390-2, *HRS*, states:

* * *

> (d) A minor under fourteen years of age may be employed or permitted to work in theatrical employment or in harvesting of coffee under circumstances and conditions prescribed by the director by regulation; provided that:
>
> (1) The work is performed during periods when the minor is not legally required to attend school or when the minor is excused by school authorities from attending school;

> (2) With respect to employment in harvesting of coffee, the director has determined after a public hearing that sufficient adult labor to perform the work is unavailable; and
>
> (3) The employer of the minor procures and keeps on file a valid certificate of employment.

Departmental rules continue to narrow the scope of employment of minors in coffee harvesting by restricting the work to nonschool days only.[12]

On the other hand, minors under the age of fourteen who work in theatrical employment have a bigger window of opportunity.[13] A minor, with written consent of a parent or guardian, and accompanied by that parent or guardian, may work up to four hours a day, for four consecutive days, without being excused from school. This situation is possible by allowing the number of combined hours a day for school time and work time to equal ten. With the official length of a school day in public school approximately six hours and an extension of the curfew to 8:30 p.m. on school nights imposed by the rules, it is possible for school children between the ages of six and fourteen years of age to work twenty hours a week or more and not have the employer be in violation of the state law.

A form of protection, however, is built into the law. Rules adopted by the DLIR require the employer to supply to the Director of Labor and Industrial Relations, if requested, a statement from the minor's school showing that the minor's attendance and school work is satisfactory. It is assumed that if attendance and school work is not satisfactory then the DLIR would find the job injurious to the well-being of the minor and revoke the employment certificate. According to sources in the DLIR this has never been necessary and so no statement has ever been requested. The term "satisfactory" has never been defined in practice or in writing.

B. Exceptions

There are five instances where the child labor laws do not apply. These exceptions are listed in section 390-5, *HRS*, and include employment of a minor:

* * *

> (1) By the minor's parent or legal guardian during periods when the minor is not legally required to attend school or when the minor is excused by school authorities from attending school in an occupation which has not been declared by rule or regulation of the director to be hazardous; or
>
> (2) In performance of work in connection with the sale or distribution of newspapers; or

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(3) In domestic service in or about the private home of the employer; or

(4) As a golf caddy; or

(5) By any religious, charitable or nonprofit organization in exempt employment as prescribed by the director by rule or regulation.

Rules define exempt employment in exception (5) as work performed in a voluntary capacity for a religious, charitable, or nonprofit organization, where the worker expects no wages, or in return receives tuition and boarding, or in a theatrical performance where all net proceeds go to the organization and all persons in connection with the production donate their time.[14]

C. Penalties

A criminal penalty of not more than a $1,000 fine or imprisonment of not more than a year, or both the fine and imprisonment, may be imposed on any violator of the child labor laws.[15]

D. Legislative History of the Child Labor Law

The first laws of record that restricted the employment of children were enacted in 1901 and were attached to the procurement of a liquor license.[16] Act 4, Session Laws of Hawaii, 1901, prohibited the employment of minors in saloons. Constitutionally challenged in the Hawaii Supreme Court case of Territory of Hawaii v. E. S. Cunha,[17] the court upheld the legislature's power to enact the statute. The court dismissed any discussion on the lengths the state legislature could go as "parens patriae" in protecting minors, and after comparing similar statutes in other states, held that the state had not overstepped its bounds in the preservation of the public peace, health, safety, and morals.

It was not until 1921 that the first general prohibition of child labor appeared.[18] The law restricted anyone from employing a minor under the age of sixteen more than eight hours a day, forty-eight hours a week, or before five o'clock in the morning and after nine o'clock at night.

The certificate of employment was instituted in 1939 and originally only required employers of minors under the age of sixteen to obtain the certificate of employment.[19] In 1941, however, the law was amended to require all employers of ALL minors to have a valid certificate of employment for each employed minor under eighteen.

The current form of the child labor law was enacted during the 1969 Regular Session.[20] There has been only one substantive change, in 1977, to the child labor law in twenty years and that change affected only nonschool months.[21] House Bill No. 282 which eventually became Act 162, Session Laws of 1969,[22] dispensed with the requirement of obtaining a certificate of employment for sixteen- and seventeen-year-olds and created the certificate of age. Revisions in Act 162 also included increasing the number of hours fourteen- and fifteen year-olds could work from the then nine hours, to the current ten hours, a day. Changes were made to definitions to make them more comprehensive and a change was made to bring the law into conformance with the current compulsory school age attendance law.

Testimony received by the House Committee on Labor and Employment Problems and the Senate Committee on Labor was in support of the above-mentioned modifications to the law. Robert Hasegawa, Director of Labor and Industrial Relations in 1969, testified that the stricter surveillance of employment that was provided by the certificate of employment was not necessary for the sixteen- and seventeen-year-olds because there were not as many restrictions or limitations to the permitted work hours. Additionally, the certificate of age that would be given to sixteen- and seventeen-year-olds in its place would be issued only once as opposed to each new position the minor obtained thereby saving many personnel hours in administrative processing.[23]

II. Federal Laws

A. Fair Labor Standards Act of 1938 as Amended

The Fair Labor Standards Act of 1938 as amended (hereafter FLSA)[24] is broad sweeping legislation that addresses many aspects of employment. Child labor provisions are found in 29 U.S.C. §212 and operate to prohibit any enterprise engaged in commerce that employs "oppressive child labor." "Oppressive child labor" is defined as the employment of a minor that does not meet the minimum age requirements for the particular occupation the minor is employed in.[25]

1. Sixteen- and Seventeen-Year-Olds

Federal law is not concerned with interfering with the schooling of sixteen- and seventeen-year-olds but instead focuses strictly on the health and well-being of the minor by prohibiting minors under eighteen from working in occupations determined to be particularly hazardous.[26]

2. Fourteen- and Fifteen-Year-Olds

Federal regulations impose particular standards with regard to the employment of fourteen- and fifteen-year-olds. Along with a list of prohibited and allowed occupations,[27] the regulations require that fourteen- and fifteen-year-olds only be employed during specific periods. During times when school is in session, fourteen- and fifteen-year-olds must work outside school hours, cannot work more than three hours a day, nor more than eighteen hours a week, and the work must be done between the hours of 7:00 a.m. and 7:00 p.m.[28]

3. Certificates

Federal regulations allow the employer to be protected from "unwitting violation" of the law by keeping a valid certificate on hand for every minor.[29] Valid certificates may be federally issued or federally approved state-issued certificates.[30] The State of Hawaii issues a federally approved certificate.[31]

B. Penalties

Any person who violates any of the child labor laws of the FLSA or regulations issued under that authority is subject to a civil penalty not to exceed $1,000 per violation.[32]

C. Overlapping Jurisdiction

The FLSA is set up as a minimum standard and does not "justify noncompliance with any federal, state law, or municipal ordinance establishing a higher standard than the standard established under [FLSA]."[33] In determining whether or not the federal standard applies to a particular business incorporated in the State of Hawaii it must be decided whether the business participates in "activities or enterprises which are in commerce or in the production of goods for commerce."[34] The terms "in commerce" and "in the production of goods for commerce" are interpreted very broadly. The likelihood of most businesses falling within the scope of the statute is very great.[35] Due to this broad interpretation of federal jurisdiction employers who may be in compliance with state law may not be in compliance with the stricter federal law, especially in the fourteen- and fifteen-year-old age group.

ENDNOTES

1. While it may appear redundant to say a minor under the age of eighteen, the Hawaii Revised Statutes defines the word "minor" in five different chapters six different ways:

   §281-1... "minor" means ... under the age of twenty-one...

   §553-1... "minor" means ... not attained the age of twenty-one...

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§560:1-201 (28) "minor" means ... under the age of eighteen...

§571-2 ..."minor" means .. less than eighteen years of age ..

§712-1210... "minor" means ... less than sixteen years of age...

§712-1240 "minor" means .. not attained the age of majority "

2. Hazardous jobs are currently defined in §§12-25-41 through 12-25-58, Hawaii Administrative Rules (Department of Labor and Industrial Relations).

3. §298-9(2), Hawaii Revised Statutes.

4. As stated on PROCEDURES FOR OBTAINING A CHILD LABOR CERTIFICATE, Form HCLL-1, issued by the Department of Labor and Industrial Relations, acceptable proof of age includes: Birth certificate, notification of birth registration, State of Hawaii ID card, military ID card, baptismal certificate, immigration record (passport, alien card, visa), Hawaii driver's license, California driver's license, school record, court record, adoption papers, bible records.

5. §390-4, Hawaii Revised Statutes.

6. A phone survey indicated private schools generally have a longer day but usually have more time between classes.

7. Meeting with Joanne Swearingen, Administrator, Department of Education and Cynthia Miller, Researcher, Legislative Reference Bureau, June 18, 1990.

8. §12-25-23(a)(2) and (c)(4), Hawaii Administrative Rules (Department of Labor and Industrial Relations).

9. Standing Committee Report No. 154, on House Bill No. 282 (1969).

10. §390-3, Hawaii Revised Statutes.

11. §390-4, Hawaii Revised Statutes.

12. §12-25-33(a), Hawaii Administrative Rules (Department of Labor and Industrial Relations).

13. Administrative rules regarding theatrical employment of minors are found in §§12-25-21 through 12-25-26, Hawaii Administrative Rules (Department of Labor and Industrial Relations).

14. §12-25-82 Hawaii Administrative Rules (Department of Labor and Industrial Relations).

15. §390-7, Hawaii Revised Statutes. According to Department of Labor and Industrial Relations' sources no one has ever been prosecuted under this statute.

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16. Act 4, Session Laws of Hawaii 1901. Forms of this law are still in existence in the liquor regulation chapters. See §281-78(5), Hawaii Revised Statutes.

17. Territory v. E. S. Cunha, 15 Haw. 607 (1904).

18. Act 187, Session Laws of Hawaii 1921.

19. Act 237, Session Laws of Hawaii 1939.

20. Act 162, Session Laws of Hawaii 1969.

21. In 1977, the work hour limitation during nonschool months for fourteen- and fifteen year-olds was extended one hour from 8:00 p.m. to 9:00 p.m. Act 86, Session Laws of Hawaii 1977.

22. Child labor law was codified in §88-22, Revised Laws of Hawaii (1955), and then codified in §371-14, Hawaii Revised Statutes, before Act 162, Session Laws of Hawaii 1969, repealed §88-22, Revised Laws of Hawaii (1955), effectively repealing §371-14, Hawaii Revised Statutes, and created the current chapter 390, Hawaii Revised Statutes.

    The reason for these references to different codifications of the state laws is that the legislation referred to was enacted during the period of transition between the Revised Laws of Hawaii (1955) and the Hawaii Revised Statutes, which was enacted in 1968 in draft form, and printed and distributed some time later.

23. Testimony of Robert K. Hasegawa, Director of Labor and Industrial Relations, on House Bill No. 282, House Committee on Labor and Employment Problems, April 7, 1969.

24. 29 U.S.C. §201-§219.

25. 29 C.F.R. §570.2. Regulations authorized by the FLSA sets a general minimum age requirement of sixteen years old to be eligible to work for all occupations except agriculture. For agriculture the general minimum age requirement is lowered to fourteen years of age. Regulations provide that these requirements are imposed to ensure that the "employment is confined to periods which will not interfere with their schooling" as well as to ensure their general health and well-being.

26. Seventeen hazardous industries listed include:

    (1) Manufacturing and storing explosives.
    (2) Motor-vehicle driving and outside help.
    (3) Coal mining.
    (4) Logging and sawmilling.
    (5) Power-driven woodworking machines.
    (6) Exposure to radioactive substances.
    (7) Power-driven, hoisting apparatus.
    (8) Power-driven, metal-forming, punching, and shearing machines.
    (9) Mining other than coal mining.

(10) Slaughtering or meat packing, processing, or rendering.
(11) Power-driven bakery machines.
(12) Power-driven paper-products machines.
(13) Manufacturing brick, tile, and kindred products.
(14) Power-driven circular saws, band saws, and guillotine shears.
(15) Wrecking, demolition, and shipbreaking operations.
(16) Roofing operations.
(17) Excavation operation.

All occupations in these industries are considered particularly hazardous except those specifically exempted which are listed in 29 CFR §570.50 to §570.68.

27. 29 C.F.R. §570.33 and §570.34

28. 29 C.F.R. §570.35

29. 29 C.F.R. §570.5

30. 20 C.F.R. §570.8 to §570.10.

31. 20 C.F.R. §570.9. It is interesting to note that the requirements for a federally accepted valid certificate are all met by the application for a State of Hawaii issued certificate of employment (the form required for fourteen- and fifteen-year-olds), but the requirements are not met under the current law for the State of Hawaii issued certificate of age (the certificate issued to sixteen- and seventeen-year-olds). Nonetheless, the federal law accepts both certificates as valid. This inconsistency may be due to the timing of the research accomplished to write the federal regulations. It is possible that when forming the list of states that are "substantially in accordance with the provisions" required by the regulations, Hawaii was in compliance because the Hawaii law used to require all minors to apply for a certificate of employment, now currently used only for fourteen- and fifteen-year-olds (see legislative history section above).

32. 29 U.S.C. §216(e).

33. 29 U.S.C. §218 (a).

34. 29 C.F.R. §570.112.

35. 29 C.F.R. §776 to §779.

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Chapter 3

SCOPE OF THE TEENAGE EMPLOYMENT PROBLEM

The scope of the teenage employment problem is difficult to delineate with precision due to a lack of data and the different perspectives from which the situation can be viewed. This study focuses on education and employment issues from the perspectives of schools, the students, and employers. While there is some information in state records on the employment situations of fourteen- and fifteen-year-olds, there are very limited data on the sixteen- and seventeen-year-old students that are the central focus of Senate Concurrent Resolution No. 174.

Surveys were distributed in both the education and labor communities to supplement data supplied by the Department of Labor and Industrial Relations (hereafter DLIR) and the Department of Education (hereafter DOE). The surveys were designed to paint a clearer picture of how many of the sixteen- and seventeen-year-old students are actually working, where they are working, and how much time they are spending on the job. The surveys also attempted to obtain more subjective information that would help lead to a resolution of whether or not it is desirable to amend the current "Child Labor Law to reflect the State's unqualified commitment to quality education."

I. Perceptions of the Problem

The Legislative Reference Bureau (hereafter Bureau) contacted all public and private high school principals in the first of three statewide surveys within the school system. This initial survey asked principals and counselors to estimate the percentage of their student population that held part-time jobs while attending high school. Principals' estimates revealed that the majority of working students were attending public schools.

Table 3-1

ESTIMATED PERCENTAGE OF WORKING HIGH SCHOOL STUDENTS[1]

	Average Estimated Percentage of Students Who Work While Still In High School	Estimated Number of Working Students
Public Schools	39%	10,180
Private Schools	15%	1,435

The principals' survey solicited opinions as to the importance of different factors that might contribute to academic failure. Eighty-two percent of all principals and counselors either strongly agreed or somewhat agreed that working on school nights adversely affects the academic performance of students. Thirty percent of all the principals and counselors surveyed ranked "work for pay" as the number one activity that they believe adversely affects

academic performance. Examining public and private schools separately, the top two categories to be ranked in the number one slot as the activity contributing to adverse academic effects on students as perceived by their principals and counselors were:

Table 3-2

TOP ACTIVITIES CONTRIBUTING TO ADVERSE ACADEMIC EFFECTS AS RANKED BY PRINCIPALS AND COUNSELORS

	Ranked No. 1
Public	
Substance abuse	38%
Work for pay	31%
Private	
Nonschool-related social activities	37%
Work for pay	30%

Public school teachers, in a separate survey,[2] supported the perceptions of the principals and counselors. While the teachers only estimated that 31% of their students were working while still attending high school, 87% responded affirmatively when asked if working on school nights adversely affected the academic performance of their students. Additionally, 46% of the teachers perceived "work for pay" as the number one contributor to the adverse affects on a student's academic performance.

Finally, the students were surveyed. [3] In a random sampling of half of the juniors and seniors in eight public schools, 76% of the students who are either currently holding jobs during the school year or held jobs in previous school years believe their job had no effect or only a slight negative effect on their studies.[4] Statewide, only 16% of all students ranked "work for pay" as the number one contributor to academic failure.[5] Other activities that were ranked by the students statewide as number one contributors to academic failure were as follows:

Table 3-3

ACTIVITIES RANKED AS THE NO. 1 ACTIVITY CONTRIBUTING TO ACADEMIC FAILURE AS RANKED BY STUDENTS

Activity Contributing to Academic Failure	Statewide Percent of Students Ranking No. 1
Substance abuse problems	38%
Work for Pay	16%
Family obligations	13%
School-related extracurricular and social activities	11%
Nonschool-related social activities	11%
Other	8%
Volunteer or community service work	3%

II. Student Employment Data

A. State of Hawaii

The Bureau reviewed DLIR records to obtain information on the current teenage employment situation in Hawaii. DLIR records are more detailed concerning fourteen- and fifteen-year-olds and include facts about the employer as well as the hours the student will work. The DLIR provided some statistics and allowed the Bureau to review DLIR records to cull information that is not regularly tracked or compiled from the various forms the DLIR keeps on file. The Bureau used a random sampling of all the CL-1 forms[6] on file for the fiscal year 1989-90, to generate the following data relating to fourteen- and fifteen-year-olds.

The same information is not required to be provided by sixteen- and seventeen-year-olds to obtain a certificate of age, therefore, the LRB used the student survey discussed above to generate similar data on the sixteen- and seventeen-year-old employment situation. The student survey was administered to eleventh and twelfth graders at eight public high schools in the State.

1. DLIR Records and Survey Statistics

Fourteen- and Fifteen-Year-Olds. Pursuant to the state child labor law, the DLIR issues certificates of employment to minors under the age of sixteen. The certificate is issued upon completion of the CL-1 form. A random sampling of the 4,926 applications for certificates of employment issued in fiscal year 1989-1990 revealed that 27% were issued to minors fourteen years old, and 66% were issued to minors fifteen years old. Forty-six percent of all the certificates of employment were issued during months school was in session. This means that approximately 9% of all fourteen- and fifteen-year-olds in the State were holding part-time jobs while attending school.[7]

Sixteen- and Seventeen-Year-Olds. The DLIR issued 10,032 certificates of age to sixteen- and seventeen-year-olds in fiscal year 1989-90. Of these 8,447 were issued during the school months. It is likely, but cannot be confirmed,[8] that most of these minors held some job during the school year. This amounts to approximately 42% of all eleventh and twelfth graders in the State holding jobs during the school year.[9]

This information is summarized in the table below.

Table 3-4

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
CERTIFICATES ISSUED

Age	Total No. of Certificates Issued Fiscal Year 1989-90	Total No. of Public School Students Enrolled in School Year 1989-90	Estimated No. of Students Working During School Year 1989-90	Percent of Students Working During School Year 1989-90
14 and 15	4,581[10]	22,603	2,107	9%
16 and 17	10,032	20,181	8,447	42%

We can assume that the students who obtained certificates are aware of the child labor laws or are working for employers who are aware of the child labor laws. In fact, there may be more students working than the DLIR is aware of. Fifty-three percent, 11% more than DLIR records reveal, of the sixteen- and seventeen-year-old students surveyed reported that they were currently employed or that they had been employed during previous school years.[11]

2. Where Are They Working?

Fourteen- and Fifteen-Year-Olds. The majority of fourteen- and fifteen-year-olds are employed in the food service industry, with most of those working in fast food operations. The chart below lists the percentage of working fourteen- and fifteen-year-olds that are employed in the different industries.

Table 3-5

EMPLOYMENT OF WORKING 14- AND 15-YEAR OLDS
BY INDUSTRY

Type of Business	Percent of Working Fourteen- and Fifteen-Year-Olds
Food Services	51%
Fast food	44%
Restaurant	7%
Retail Sales	21%
Miscellaneous[12]	21%
Other	5%

Sixteen- and Seventeen-Year-Olds. The data for sixteen- and seventeen-year-olds were obtained from two sources. The first source was a survey sent out to the business

community,[13] the second from a survey of the sixteen- and seventeen-year-olds themselves. Results of those surveys are set out below.

Table 3-6

PERCENT OF 16- AND 17-YEAR-OLDS REPORTED BY EMPLOYERS TO BE WORKING DURING THE SCHOOL YEAR AND THE AVERAGE OF REPORTED LATE SHIFTS FOR 16- AND 17-YEAR-OLDS FOR EACH TYPE OF BUSINESS

Type of Business	Percent	Average Late Shift Ends
Food Service	32%	10:00 p.m.
Retail Sales	28%	9:00 p.m.
Supermarket	17%	9:40 p.m.
Other	12%	8:00 p.m.
Hotel	6%	9:25 p.m.
Agriculture	4%	7:00 p.m.

Table 3-7

PERCENT OF 16- AND 17-YEAR-OLDS REPORTED BY 16- AND 17-YEAR-OLDS TO BE WORKING DURING THE SCHOOL YEAR AND THE AVERAGE OF REPORTED LATE SHIFTS FOR 16- AND 17-YEAR-OLDS FOR EACH TYPE OF BUSINESS

Type of Business	Percent	Most Common Late Shift Ends
Food Service Including Fast Food and Restaurant	36%	9:01 p.m. to 10:00 p.m.
Other	23%	7:00 p.m. or earlier
Retail Sales	15%	7:00 p.m. or earlier
Miscellaneous[14]	11%	7:00 p.m. or earlier
Supermarket	9%	9:01 p.m. to 10:00 p.m.
Office Clerical	6%	7:00 p.m. or earlier

3. How Much Time Are They Putting In?

Fourteen- and Fifteen-Year-Olds. Information from the CL-1 forms reveals that on the average, fourteen- and fifteen-year-olds who work during the week when school is in session are working a total of 18.25 hours per week. For those students, the highest average hours per week was found in the Tourism and Amusement/Recreation industries with 21 hours a week. Averages for industries that exceeded the federal law limit of 18 hours per week for fourteen- and fifteen-year-olds included Supermarket/Convenience Stores (20 average hours per week); Service Stations (20); Agriculture (20); and Fast Food (19). The lowest average hours per week was found in the Education/Child Care Industry with 8 hours per week.

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Sixteen- and Seventeen-Year-Olds. During the school year sixteen- and seventeen-year-old students most commonly reported working 10 to 20 hours per week. The range of responses among working students is set out below:

16% worked less than 10 hours a week.
42% worked between 10 and 20 hours a week.
29% worked between 20 and 30 hours a week.
14% worked more than 30 hours a week.[15]

B. **National and Other States' Statistics.**

How the working patterns of Hawaii students compare with their mainland counterparts depends on who is being asked. One national study reveals that 50% of all eleventh graders in 1986, and 66% of twelfth graders in 1988, reported holding jobs while attending school.[16] A different study reported that half of all full-time high school students held jobs while attending school, and that the average length of the work week was sixteen hours for girls and eighteen hours for boys.[17] A third national study reports that one third of all sixteen- and seventeen-year-olds were working while attending school in 1986.[18]

More specifically it was stated in a paper presented at the Annual Meeting of the Educational Research Association in April of 1988 that fast food restaurants employ 17% of all employed adolescents.[19] According to the data generated by this study the State of Hawaii has already surpassed the national average for working adolescents employed by fast food restaurants.

Individual studies have been conducted in New York and Wisconsin. While the New York study lamented of pervasive frustration in determining the characteristics of minors who worked during school, it did determine that 25% of fourteen- to seventeen-year-olds were in the workforce in 1986.[20]

The Green Bay Education Association in Wisconsin found that two-thirds of the ninth to twelfth grade population held a job at some point during the school year.[21] Of those that held jobs, 69% worked twenty hours or less a week and 27% worked more than twenty hours a week.

Recently, NBC aired a television program about teenagers claiming that "in the United States now, about three-quarters of all seniors and about two-thirds of all juniors and about half of all sophomores work during the school year."[22] The same program estimated that American teens have an average of seventy dollars a week to spend.[23]

It is apparent that a great number of teenagers are working across the United States and in Hawaii. Generally, it appears that teenagers in Hawaii are in step with their counterparts on the mainland. What is less certain is whether this is good or bad for society.

ENDNOTES

1. These figures represent the actual responses of the principals' and counselors' estimates and do not include any estimates for those schools that did not respond to the survey. Surveys were mailed in July 1990, to 65 schools (38 public schools; 27 private schools). A total of 69 responses from both counselors and principals from 40 different schools (24 public schools; 16 private schools).

   A copy of the principals' survey is attached as Appendix C.

2. This second survey was limited to only public school teachers for two reasons. The first reason is based on the results of the principals' survey that determined the majority of working students were attending public school. The second reason was because one focus of Senate Concurrent Resolution No. 174 is the cost to taxpayers of public high school education. Distribution of the survey was through the Hawaii State Teachers Association. One hundred ninety-five responses were received from 12 schools.

   A copy of the teachers' survey is attached as Appendix D. The survey was distributed and returned in September 1990.

3. Principals at Baldwin, Hilo, Farrington, Kahuku, Kailua, Konawaena, Mililani, and Waimea High Schools were asked to randomly select one-half of the eleventh and twelfth grade classes and administer the student survey attached as Appendix E. The eight schools were selected as the result of two combined factors. Geographically, there is representation from each island district. In addition, each school selected had an estimated working population of at least 30% by its principal. A total of 2,925 surveys were distributed in October 1990, and 1,962 were returned.

4. Baldwin 81%; Farrington 69%; Hilo 75%; Kahuku 88%; Kailua 71%; Konawaena 76%; Mililani 76%; Waimea 80%.

5. Baldwin 17%; Farrington 19%; Hilo 15%; Kahuku 6%; Kailua 14%; Konawaena 18%; Mililani 15%; Waimea 16%.

6. Copy of CL-1 form is attached as Appendix B. The CL-1 form is the DLIR application fourteen- and fifteen-year-olds must complete before a certificate of employment is issued.

7. The estimates set out in the body are based on the fact that DOE reports there were 11,805 ninth grade and 10,798 tenth grade regular students. Ninth and tenth graders are typically fourteen and fifteen years old.

8. The CL-3 form the minor must complete to have a certificate of age issued does not require the promise of a job. Accordingly, a minor could apply for and receive a certificate but not actually work until much later, or never work at all.

9. The DOE reports there were 10,738 eleventh grade and 9,443, twelfth grade regular students registered for the 1989-90 school year with the majority of those students aged sixteen and seventeen years old.

10. The DLIR published total number of certificates issued is 4,926 but in the Legislative Reference Bureau random sampling of the certificates of employment it was determined that 7% of these certificates are issued to minors under the age of fourteen and so the published total has been reduced to reflect only fourteen- and fifteen-year olds.

11. Baldwin 60%; Farrington 55%, Hilo 40%; Kahuku 73%; Kailua 47%; Konawaena 58%; Mililani 53%; Waimea 46%.

12. Hotel 1%; Manufacturing 1%; Amusement/Recreation 1%, Office Clerical 2%; Tourism 2%; Agriculture 3%; Education/Child Care 3%; Supermarkets/Convenience Store 4%, Service Station 4%.

13. There were actually two business populations surveyed. The first population surveyed, small business, was contacted through the Small Business Hawaii newsletter (August 1990). Fifty-eight percent of all the respondents (31) to the small business survey employed students between the ages of fourteen and seventeen. That 58% employed a total of 120 students, 105 of them sixteen- and seventeen-year-olds. The same survey was also mailed to more than 500 businesses with over 100 employees in the State of Hawaii during September 1990. One-third of the businesses responded. Fifty-one percent employed sixteen- and seventeen-year-olds. That 51% employed 961 sixteen- and seventeen-year-olds, and 101 fourteen- and fifteen-year-olds. The results of both of those surveys have been combined for reporting purposes whenever possible. A total of 208 responses were received.

    A copy of the employers' survey is included in Appendix F.

14. Hotel/Resort 3%; Construction 3%; Agriculture 2%, Amusement/Recreation 2%; Factory Manufacturing 1%; Gardening 1%.

15. Student survey, October 1990: question 15.

16. ETS Policy Information Center, "From School to Work" (Princeton: Educational Testing Service, 1990), p. 7.

17. Borus, Michael E., Youth and the Labor Market (New Jersey: Institute of Management and Labor Relations of Rutgers University, 1984), p. 210. See also Charner, Ivan and Fraser, Bryna Shore, Youth and Work: What We Know, What We Don't Know, What We Need To Know (National Institute for Work and Learning, 1988).

18. Barton, Paul E., Earning and Learning, The Academic Achievement of High-School Juniors with Jobs, The Nation's Report Card (Princeton: National Assessment of Educational Progress, Mar. 1989), p. 6.

19. Wirtz, Philip W. et al., "Situational and Social Influences on High School Student's Decisions to Work Part-time" (1988). Paper presented at Annual Meeting of Educational Research Association (New Orleans, LA: April 5, 1988).

20. Child Labor Law Review, A Report to the Commissioner of Labor (New York State: Department of Labor, Nov. 1988), Appendix 10.

21. Let's Talk (Green Bay, Wisconsin: October 1989), p. 1.

22. "Real Life with Jane Pauley" Full Text, September 4, 1990, NBC TV NEWS (New York City: Radio TV Reports, 1990), p. 17.

23. "Real Life with Jane Pauley", supra n. 22, p. 16.

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Chapter 4

ACADEMIC EFFECTS OF WORKING WHILE LEARNING

Are students working to learn or learning to work? Does it make a difference? Most people will say it doesn't matter, as long as the teenagers' academic performance doesn't suffer. The issue, therefore, is whether or not students who work can manage a full-time school career and a part-time job without substantial detrimental effect on their educational performance.

I. Employment and Education

Can teenage employment and high school education be complementary or must the two be mutually exclusive to achieve success at either one? Advocates of both sides have legitimate arguments.

A. Mutually Exclusive

Historically, work and school were very separate activities. A youth either worked or went to school. This is still the case in most other countries.[1]

The law in this State requires mandatory school attendance (with a few exceptions) until the age of eighteen. Placing this high value on education leads many to believe that a student's full-time job is getting an education. Some believe that minors should not be allowed to work until they receive their high school diploma.[2] As might be expected, advocates for the "mutually exclusive" theory are usually those closest to the effects of outside school activities on academic performance, the teaching population.

> There is a highly questionable need for students to work but many parents feel it's "good" for them.[3]
>
> School should be first priority, therefore no working at all. If there is economic hardship then limit hours.[4]
>
> The value of education is minimized as long as the young person has money in the pocket... Instant "grats" all the time.[5]

This group is hesitant to support laws that attempt to limit, in contrast to a complete ban, on the working activity of teenagers on school nights or any night because the laws are easily broken. Even if the hours are limited, once the teenager is at the place of employment, the employer may ask the student to "help out" to cover for an employee who has failed to show up for a shift. Typically, this puts the teen in an awkward position. The decision whether to stay and assist the employer and lose valuable sleeping and homework hours or choose to disregard the employer's pleas for assistance and hope this "noncommitment" to the job is not

reflected in future shift scheduling, job assignments, or pay increases, puts pressure on the teenager.

> These students may be encouraged to work late hours since the economic payoff is more immediate than the rewards derived from academic course work.[6]

Many of the teachers believe that stricter laws are required for teenage employment because the teens have no guidance from their parents. One comment from a Maui High teacher typifies their opinions.

> The attitude which parents have which allows students to work at all during school nights is a problem. How valued is education in a family like this? [Especially] if the students don't do well.

As stated previously, this study focuses on the students', educators', and employers' points of view and because the parent population has not been approached to voice their concerns the comments or issues which touch on the student home life are mentioned but not discussed at any length.

B. Complementary

There is a pool of educators who believe there is merit in the concept of a teenager working while still in high school. Responding to a survey conducted by the Bureau on this area one principal commented:

> Working helps build responsibility and [I] often see the working students as more mature, responsible and motivated in school.

A repeated theme that other principals recognize is that a complementary relationship can be worked out but:

> ...business and school must work together as a team so our young people will grow to be good contributing citizens.... For many students who do poorly in school, work has given them much success and has influenced their lives. They need the opportunity to do so.

Employers desperately need the large labor resource working students provide. Some employers have proved to be aware of the dilemma teenagers are placed in and have taken action to make sure that the youngster's job and school are complementary. One of those employers is KTA Super Stores, on the Big Island. KTA communicates regularly with the parents of each student to encourage the parents to call if their child is having difficulty in school so that a mutually agreeable schedule can be worked out. Zippy's also takes aggressive

action in their commitment to the academic accomplishments of their employees by offering different scholastic awards and programs to student and potential student employees. McDonald's Restaurants of Hawaii is another that has exemplified the spirit of partnership between school and business. In Hawaii, along with other national programs, McDonald's has initiated a "Making the Grade" program which gives monetary awards to eligible student employees achieving a minimum grade point average of 2.0. Under that program, student employees working the closing shift are given one hour paid study time on the job. Additionally, McDonald's policy is to restrict student employees from working more than one school night a week.

II. Academic Performance of Students Who Work

We hear the sad litany of the fate of America's youth, including declining SAT scores, and that the majority of the youth of today are interested only in the immediate gratification a regular paycheck produces. Few will dispute that Madison Avenue, aided and abetted by the television, is largely responsible for focusing teenagers on the materialistic nature of life.[7] It is no wonder that 62% of sixteen- and seventeen-year-old students in Hawaii who are currently employed or have been employed during previous school years responded that they work for spending money for themselves,[8] while only 8% reported working out of financial need.[9]

How does all this time spent acquiring material wealth affect their academic performance in school? Measurements to assess the performance of working students that have been used in other studies include grades, absenteeism, time spent on homework, and attitudes about school, family, and work.

A. A Comparison Between Working and Nonworking Sixteen- and Seventeen-Year-Olds in Hawaii

It is often assumed that students who work have no time for homework, have a higher rate of absence, and therefore have lower grades. Working students are sometimes perceived as unmotivated to pursue higher education. The Bureau's student survey was designed to make a comparison between the students who work or have worked in the past and the students who do not work or work only during the summer months.

The students were asked objective questions relating to their grades and the number of days of school they miss a year. The student responses, however, were not confirmed by official school records. The students also supplied facts about how much time they spend on homework and what their future plans were. As shown in the tables below, there appears to be no significant difference in any of the measures between working and nonworking students. A breakdown of the eight individual schools for each table can be found in the endnotes. Percentages may not always add up to 100% due to rounding.

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Table 4-1

TIME SPENT ON HOMEWORK[10]

	Less than 30 Minutes	30 Minutes to Hour	1 Hour to 1-1/2 Hours	More than 1-1/2 Hours
Working Students	18%	32%	26%	24%
Nonworking Students	16%	30%	28%	26%

Table 4-2

STUDENTS REPORTING GRADES RECEIVED[11]

	A or A/B	B or B/C	C or C/D	D or F
Working Students	12%	48%	37%	4%
Nonworking Students	14%	44%	37%	4%

Finding an objective measure for motivation is difficult. One measure of motivation might be the student's desire to continue education after high school. Another might be the priority a student places on certain activities. The survey asked students if they knew what their plans were after high school. The students were also asked to rank six items in order of the priority each one placed on them.

Nonworking and working students reported the following plans for the future.

Table 4-3

AFTER HIGH SCHOOL PLANS[12]

	Get a Full-time Job	Attend 4-yr. College	Attend 1- or 2-yr. Program	Go Into Military	Don't Know
Working Students	8%	45%	21%	5%	20%
Nonworking Students	8%	50%	20%	4%	18%

Overwhelmingly both working and nonworking students ranked their family obligations as their first priority. This lends support to some teacher and principal comments that supervision at home could help the problem. Note that "homework" was not a choice in the list of activities to prioritize but only one percent (eighteen students; eleven working, and seven nonworking) wrote in "homework" in the space provided under"other" and ranked it number one.

Table 4-4

PERCENTAGE OF STUDENTS RANKING DIFFERENT ACTIVITIES AS THEIR NO. 1 PRIORITY[13]

	School-Related/ Extra-curricular Activities	Nonschool Activities	Work for Pay	Volunteer/ Community Activities	Family Obliga-tions	Other
Working Students	16%	8%	24%	3%	42%	7%
Nonworking Students	19%	10%	16%	4%	43%	8%

Is it true that working increases absenteeism? The students were asked how many days they are absent from school each year. Again, no significant differences were revealed.

Table 4-5

DAYS ABSENT FROM SCHOOL IN A YEAR[14]

	0 Days	1-5 Days	6-10 Days	More than 10 Days
Working Students	13%	52%	20%	14%
Nonworking Students	12%	57%	18%	12%

Students who reported they are currently employed or had been employed in previous years during the school year were asked how they felt their job affected their absenteeism. Eighty four percent responded that their job had no effect on their school attendance.[15] Only 9% stated that it increased their absence and tardiness only slightly.

Generally, it appears that working and nonworking students perform similarly. When the figures are averaged statewide there is not a significant difference between any of these measures of nonworking versus working students in Hawaii. This result concurs with other independent national study results.[16] Although it cannot be assumed from this comparison that the working student's academic performance is not being affected by employment. The issue of length of time devoted to the job must be examined.

B. Comparison of Working Students in Hawaii with National and Other States' Studies

Some studies conducted on teenage employment have focused on determining the balancing point where the number of part-time hours working is maximized without any significant decrease in academic performance. It is generally accepted that some part-time jobs may enhance the academic performance of students but it is when the hours devoted to a job become long and intensive that a detrimental effect in academic performance begins to

show up. Other studies have shown that differences begin to appear around the 18 to 20 hour work week for students.[17]

Examining only the currently working students in Hawaii and those students employed during previous school terms in Hawaii, the chart below indicates that the amount of hours a student devotes to the job may have an impact on academic performance.

Table 4-6

WORKING STUDENTS' PERFORMANCE IN RELATION TO THE HOURS PER WEEK THE STUDENTS WORK

	Less Than 10 Hours a Week	10-20 Hours a Week	20-30 Hours a Week	Over 30 Hours a Week
Grades				
A-A/B	19%	14%	7%	3%
B-B/C	47%	53%	48%	45%
C-C/D	29%	30%	40%	45%
D-F	5%	2%	4%	7%
Absenteeism				
0 days	16%	13%	10%	11%
1-5 days	52%	54%	49%	50%
6-10 days	20%	22%	22%	18%
> 10 days	11%	12%	18%	21%
Time spent on homework				
< 30 mins.	14%	15%	21%	24%
30 mins. - 1 hr.	25%	30%	34%	34%
1 - 1-1/2 hrs.	22%	26%	30%	25%
> 1-1/2 hrs.	39%	28%	17%	17%

Several significant trends can be pointed out in the above chart. First, while working does not necessarily produce a significantly greater number of "D" or "F" students, it does diminish the percentage of "A" students, which moves progressively lower as the student works longer and longer work weeks.

Absenteeism appears unaffected by the amount of hours per week a student works, but the percentage of students missing more than ten days increases steadily with time spent on the job. Comparing the nonworking student who misses more than ten days of school a year to the student who works over thirty hours a week there is a 9% difference.

Teachers expect their students to spend twenty to thirty minutes a day for each class on homework. Teachers expect that students should be spending approximately three hours a day on their homework. The percentage of students who spend a total of thirty minutes or less each day on their homework increases as their work hours increase. Additionally, the percentage of students who spend more than one and one-half hours a day on their homework decreases significantly once the student starts working 20 hours a week.

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One last study that deserves mention in discussing the effects of working on the academic performance of students is a study done in Orange County, California. While the study found no devastating effects of students working, the study noted that first time workers reported lower grade point averages than those workers who had been on the job for some time or those who did not work. This suggests that there might be an adjustment period for some students.[18]

III. Summary

The existence of the State's compulsory education laws at the very least imply that education must be the number one priority for school age teenagers. Although some members of the community believe that teenagers should not be able to hold part-time jobs and go to school the data from studies done across the nation as well as in this State do not support the notion that students cannot work and go to school successfully. There is some evidence, however, that the amount of time devoted to a part-time job can have a detrimental effect on the academic performance of students.

ENDNOTES

1. Ellen Greenberger and Laurence Steinberg, When Teenagers Work (New York: Basic Books, Inc. 1986) p. 22. But note recent publications are advocating the progressive educational systems of countries like Denmark, Sweden, and West Germany who expose youngsters to a work environment at an early age. See The Entrepreneurial Economy Review (Washington, D.C.: Corporation for Enterprise Development, Autumn 1990) Vol. 9, No.1 pp. 20-23 and see also America's Choice: High Skills or Low Wages! Executive Summary, (Rochester, NY: National Center on Education and the Economy, June 1990)

2. Comments by teachers in September 1990 Teachers' survey.

3. Kalani High School teacher in September 1990 Teachers' survey.

4. Kalaheo High School teacher, similar comment by Roosevelt High School teacher, in September 1990 Teachers' survey.

5. Honokaa High School teacher in September 1990 Teachers' survey.

6. Testimony of Earl A. Arruda, President, Hawaii State Teachers Association, on Senate Concurrent Resolution No. 174, Senate Committee on Education, April 2, 1990, Regular Session of 1990.

7. Real Life with Jane Pauley, NBC TV NEWS, September 4, 1990.

8. Based on student survey results: Baldwin 62%; Hilo 65%; Farrington 60%; Kailua 64%; Kahuku 44%; Konawaena 61%; Mililani 74%; Waimea 64%.

9. Based on student survey results: Baldwin 9%; Hilo 11%; Farrington 10%; Kailua 5%; Kahuku 10%; Konawaena 9%; Mililani 2%; Waimea 5%.

ACADEMIC EFFECTS OF WORKING WHILE LEARNING

10.	Less than 30 Minutes	30 Minutes to 1 Hour	1 Hour to 1-1/2 Hours	More than 1-1/2 Hours
Baldwin				
Working Students	22%	30%	27%	21%
Nonworking Students	11%	36%	25%	29%
Farrington				
Working Students	10%	26%	30%	34%
Nonworking Students	10%	30%	27%	32%
Kailua				
Working Students	20%	46%	24%	10%
Nonworking Students	23%	33%	30%	14%
Kahuku				
Working Students	23%	36%	19%	21%
Nonworking Students	15%	25%	35%	25%
Hilo				
Working Students	22%	29%	26%	23%
Nonworking Students	17%	31%	26%	25%
Konawaena				
Working Students	11%	37%	29%	22%
Nonworking Students	14%	27%	32%	26%
Waimea				
Working Students	20%	23%	20%	36%
Nonworking Students	11%	27%	24%	38%
Mililani				
Working Students	26%	29%	22%	23%
Nonworking Students	24%	26%	27%	22%

11.	A or A/B	B or B/C	C or C/D	D or F
Baldwin				
Working Students	12%	52%	34%	2%
Nonworking Students	16%	53%	28%	2%
Farrington				
Working Students	11%	50%	36%	2%
Nonworking Students	15%	44%	38%	2%
Kailua				
Working Students	11%	44%	42%	2%
Nonworking Students	11%	42%	38%	8%
Kahuku				
Working Students	34%	49%	17%	0%
Nonworking Students	45%	20%	30%	5%
Hilo				
Working Students	5%	51%	40%	4%
Nonworking Students	12%	48%	35%	5%
Konawaena				
Working Students	8%	41%	42%	8%
Nonworking Students	15%	42%	42%	1%
Waimea				
Working Students	7%	56%	36%	2%
Nonworking Students	11%	42%	41%	5%
Mililani				
Working Students	18%	39%	35%	8%
Nonworking Students	13%	42%	40%	4%

12.

	Get a Full-time Job	Attend 4-yr. College	Attend 1- or 2-yr. Program	Go into Military	Don't Know
Baldwin					
Working Students	9%	44%	18%	5%	24%
Nonworking Students	8%	61%	13%	4%	13%
Farrington					
Working Students	9%	41%	26%	7%	16%
Nonworking Students	8%	44%	28%	5%	15%
Kailua					
Working Students	8%	49%	16%	1%	26%
Nonworking Students	9%	48%	22%	1%	19%
Kahuku					
Working Students	6%	52%	20%	4%	18%
Nonworking Students	5%	50%	25%	0%	20%
Hilo					
Working Students	13%	46%	17%	8%	14%
Nonworking Students	8%	43%	15%	10%	24%
Konawaena					
Working Students	12%	45%	20%	4%	18%
Nonworking Students	9%	47%	20%	2%	21%
Waimea					
Working Students	6%	36%	27%	12%	20%
Nonworking Students	3%	56%	19%	3%	19%
Mililani					
Working Students	1%	54%	22%	1%	23%
Nonworking Students	7%	56%	16%	4%	17%

13.

	School-Related/ Extra-curricular Activities	Non-School Activities	Work for Pay	Volunteer/ Community Activities	Family Obliga-tions	Other
Baldwin						
Working Students	16%	7%	25%	0%	43%	9%
Nonworking Students	24%	10%	14%	3%	42%	7%
Farrington						
Working Students	23%	5%	24%	3%	41%	4%
Nonworking Students	20%	8%	19%	5%	40%	8%
Kailua						
Working Students	12%	12%	24%	3%	42%	6%
Nonworking Students	18%	10%	14%	4%	46%	7%
Kahuku						
Working Students	10%	5%	20%	5%	51%	10%
Nonworking Students	10%	10%	5%	10%	61%	5%
Hilo						
Working Students	14%	6%	26%	5%	44%	5%
Nonworking Students	15%	11%	20%	2%	40%	8%
Konawaena						
Working Students	14%	10%	23%	1%	44%	8%
Nonworking Students	17%	8%	12%	3%	54%	7%

	School-Related/ Extra-curricular Activities	Non-School Activities	Work for Pay	Volunteer/ Community Activities	Family Obliga-tions	Other
Waimea						
Working Students	21%	8%	17%	3%	42%	9%
Nonworking Students	25%	8%	11%	3%	44%	8%
Mililani						
Working Students	14%	25%	25%	4%	30%	15%
Nonworking Students	20%	13%	16%	1%	38%	12%

14.

	0 Days	1-5 Days	6-10 Days	More than 10 Days
Baldwin				
Working Students	8%	63%	20%	9%
Nonworking Students	9%	60%	24%	7%
Farrington				
Working Students	27%	51%	16%	6%
Nonworking Students	33%	62%	10%	7%
Kailua				
Working Students	7%	52%	25%	16%
Nonworking Students	8%	56%	16%	19%
Kahuku				
Working Students	6%	35%	31%	27%
Nonworking Students	4%	48%	35%	13%
Hilo				
Working Students	13%	55%	19%	13%
Nonworking Students	14%	54%	19%	11%
Konawaena				
Working Students	11%	45%	23%	21%
Nonworking Students	3%	58%	23%	16%
Waimea				
Working Students	14%	50%	17%	19%
Nonworking Students	12%	59%	14%	14%
Mililani				
Working Students	7%	54%	22%	16%
Nonworking Students	13%	52%	21%	14%

15. Based on student survey results: Baldwin 88%; Hilo 88%, Farrington 76%; Kailua 80%; Kahuku 81%; Konawaena 86%; Mililani 85%; Waimea 94%.

16. Jerald G. Bachman, Dawn E. Bare, Eric I. Frankie, Correlates of Employment Among High School Seniors, Institute for Social Research, The University of Michigan, Ann Arbor, 1986, p. 54.

National Longitudinal Survey of the Labor Market Experience of Youth, U.S. Department of Labor.

17. Ronald D'Amico, "Does Employment During High School Impair Academic Progress?" Sociology of Education 57, July 1984, pp. 152-164.

M.V. Lewis, "High School Work Experience and its Effects" in Ivan Charner and Bryna Shore Fraser, Youth

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and Work. The William T. Grant Foundation Commission on Work, Family and Citizenship, Washington, D C 1987.

Paul E. Barton, "Earning and Learning: The Academic Achievement of High-School Juniors with Jobs." The Nation's Report Card.

William J. Schill, et al., "Youth Employment: Its Relationship to Academic and Family Variables," Journal of Vocational Behavior 26, 1985, pp. 155-163.

Lawrence Hotchkiss, "Work and Schools-Complements or Competitors?" in K. Berman and S. Reismans (eds.) Becoming a Worker, Ablex Publishing, Norwood, NJ, 1986.

18. L. Steinberg as reported in D'Amico, 1982.

Chapter 5

POSSIBLE SOLUTIONS

"Hard economic times make for hard choices."[1]

The need for a total ban on employment opportunities for teenagers who go to school is not supported by the data. The data presented in previous chapters reveal that some students can manage learning and working. The current labor shortage in this State virtually leads to a situation where sixteen- and seventeen-year-olds are a large portion of the low-cost service labor that is required to keep many businesses operating.[2] The data generated by this study which are supported by other national studies, also reveal that at some point working can have a detrimental effect on a student's academic performance.

I. Curfew

The majority of students, teachers, principals and even employers agree that a curfew on working hours should be imposed on sixteen- and seventeen-year olds. The percentage of respondents in each survey who answered affirmatively are set out below.

Table 5-1

PERCENTAGE OF RESPONDENTS SUPPORTING A CURFEW ON WORKING HOURS

Students	Teachers	Principals	Employers[3]
84%	75%	72%	53%

A. Appropriate Curfew Time

Senate Concurrent Resolution No. 174, suggests 8:00 p.m. as an appropriate curfew. While that time period was preferred by the majority of both principals and teachers, only 15% of working students were in favor of an 8:00 curfew. Nine o'clock and 10:00 were more commonly selected as an appropriate curfew by the students.

Table 5-2

PREFERRED CURFEW TIMES OF STUDENTS, TEACHERS, AND PRINCIPALS

	8:00 or Earlier	9:00	10:00	11:00	12:00 or Later and Those Opposed (No Curfew)
Students	15%	21%	31%	18%	16%
Teachers	50%	15%	10%	0%	25%
Principals	51%	15%	9%	1%	23%

Retail sales employers repeatedly commented that enacting an 8:00 curfew instead of a 9:00 or 10:00 curfew would impose a difficult staffing problem. Because retail stores are usually open until 9:00 at night on school nights, for that one additional hour between 8:00 and 9:00, the employers would have to hire older employees or close down early.

The DOE administrators were consulted on the curfew issue and were generally opposed to amending the current law to impose a curfew on sixteen- and seventeen-year-olds. Representatives for DOE conceded that if a curfew was enacted it should be 10:00 p.m. While some had sympathy for the problems teachers are faced with in the class room, the prevailing opinion is that working is good for students. It keeps them occupied when they could be participating in more detrimental activities. Concern was expressed that this limiting type of legislation would be difficult to enforce and would not solve the problem of student inattentiveness in school.[4]

The DLIR would support a reasonable curfew and believes that the certificate of age should be used for all minors in the labor force. It is easier for the department to use one form for everyone and allows them to better monitor the sixteen- and seventeen-year olds.

B. Exceptions to the Curfew

It would not be reasonable to assume that no student can handle work and school beyond the limit of a curfew; therefore exceptions to the curfew must be considered. Problems that arise from the exceptions concern the administration of authorizing and monitoring the exceptions. If grades determine exceptions then at the end of a quarter if a student has failed, the damage has already been done. Who should be responsible to notify the employer that the student is no longer eligible to work: the school which is aware of the academic situation or the DLIR which is responsible for enforcing the rules? If the student is responsible, should legislation include parental liability for failure to control a child? The DLIR does not want to add monitoring teenagers grades to their list of duties and believes that any exceptions should be narrowly defined to make enforcement possible.

Senate Concurrent Resolution No. 174 particularly addresses exceptions concerning financial hardship, academic excellence, half-day students, and suspended students.

1. Financial Hardship

Student surveys revealed that 21% of students work because they are saving for college, and 8% of students work because their families need the money. Imposing a curfew on these students may severely impair their ability to continue their education. Teachers and principals were asked if a curfew were imposed should there be exceptions for financial hardship. Fifty-six percent of teachers and 51% of principals responded affirmatively.

2. Academic Waiver or Standard

The education community was polled to determine if there was a curfew imposed should the curfew be waived for students with good grades? Sixty-six percent of teachers and sixty-three percent of principals disagreed with making an academic exception to the curfew for good grades.

Currently, the schools follow a policy for participation in extracurricular activities commonly referred to as a "2.0 Rule." That policy does not allow a student to participate in extracurricular activities if the student does not maintain at least a 2.0 grade point average. Rejecting a concept similar to the "2.0 Rule", 66% principals were opposed to a suggestion to make all students subject to a satisfactory academic performance standard as a condition for eligibility for valid working certificates. Fifty-four percent of teachers supported the "2.0 Rule" for eligibility to receive a working certificate with the average recommended grade point average at 2.25. Comments from all educators voiced concern about monitoring each student's status as well as the difficulty of enforcing the rule.

Interestingly, the majority of employers were in favor of making academic performance a condition to be eligible to work.[5] The employers may view the "2.0 Rule" as a form of initial personnel screening.

3. Half-day Students

The majority of senior high schools in the State have instituted various release programs that are unique to each school. Most of the programs are open to seniors only and they allow students who have amassed a certain number of credits to be excused from school to go to work. Sixty-one percent of teachers and 59% of principals were opposed to making exceptions for half-day students. It appears that these students will be the least affected by imposing a curfew as they have more opportunity to fit working hours in their schedules.

4. Suspended Students

The last exception Senate Concurrent Resolution No. 174 particularly addresses is that of the suspended student. This is probably the most difficult situation to monitor. Suspensions are typically temporary, short-term periods of time that often arise quickly. Eighty-one percent of principals and 77% of teachers favor prohibiting suspended students from working. While some feel the suspended student is better off to be doing something constructive during the suspension period, the majority feel that allowing them to work would be viewed as a reward and not a punishment as suspension is intended.

II. Other Solutions

A. Mass Media Educational Campaign

Senate Concurrent Resolution No. 174 directed the Bureau to consult with The Chamber of Commerce of Hawaii. The Chamber of Commerce has not adopted a specific policy statement related to imposing curfews on working high school students, but by interpreting a broad encompassing policy the Chamber's Karen Street translated The Chamber of Commerce position to be "look for another solution before you mandate." It is the opinion of the Chamber of Commerce that to legislate a curfew for this valuable labor force is a "band-aid approach" to the problem.[6]

The Chamber of Commerce encourages the use of a state-funded, mass media educational campaign focused at employers. The Chamber believes that the majority of employers are concerned about the success of their student employees. Educating the employers on these issues will alleviate the problem more quickly and effectively. The campaign should highlight the need for employers to be flexible to give students who work ample time to complete their studies and still have enough time for a good night's sleep.

The DLIR supports the idea of issuing educational brochures aimed at student employees and employers of students. Reports of the laws and rules are the only publications now available from DLIR.[7]

B. Transition Centers

School to Work Transition Centers are currently located in sixteen schools. Of the eight high schools the Bureau surveyed, five have Transition Centers located in them. The goals of the Transition Centers include:

> To provide students and teachers of host schools and others in the community with information about careers, education and training beyond high school.

and

> To assist students with special needs which may present barriers to achieving career or job related goals.[8]

The Transition Centers were established in April of 1984, with the passage of Act 40, Session Laws of Hawaii, 1984. Under the direct authority of the DLIR, the Centers offer a variety of programs for both students and teachers that encourage awareness of personal interests, strengths, employment opportunities, and career options among other resources. A comparison of the data from the 1990 October student surveys between the schools with Transition centers and the schools without Transition Centers is inconclusive. Investigation of the status of the schools before the Transition Centers were opened is beyond the scope of this study. There were, however, no significant differences in any of the data. In both cases

approximately 35% of the students claimed to have received some career guidance, and approximately 80% of the students stated that they were familiar with the state laws concerning child labor.

C. National Center on Education and the Economy

Recently, the Commission on the Skills of the American Workforce completed its report entitled "America's Choice: High Skills or Low Wages!"[9] It proposes an entire revamping of the educational process that incorporates a basic certificate of mastery to be attained at the age of sixteen. After the certificate of mastery is achieved students can pursue higher education with more emphasis on combined work and study programs or continue on with college preparatory classes.

III. Other State Laws

Fourteen states currently impose a curfew on the working hours of sixteen- and seventeen-year-olds on school nights but only five impose a restriction on the total hours per week that is less than forty hours. Hawaii is not the only state considering changes to its child labor laws. A Wall Street Journal article highlighted six other states considering some form of a legislative action dealing with limiting teenage working hours.[10] At least one of those states has already enacted a curfew.

The following table gives the restrictions on hours per week for teenage high school students during the school term for all fifty states. The exceptions column has been included to give basic information regarding the statute. Exceptions that were unique or appeared to have some bearing on the focus of this study have been listed in the endnotes. In all other cases where the exceptions were either too complicated to explain without duplicating the entire statute or were common exceptions, for example, during nonschool months, there is a referral to the statute.

Table 5-3

HOURLY LIMITATIONS AND CURFEWS IMPOSED ON TEEN EMPLOYMENT

State	Restrictions on Hours per Week		Curfew if Any		
	14/15	16/17	14/15	16/17	Exceptions
AL	40	None	7:00 pm	10:00 pm	Yes, see statute.[11]
AK	23	23	9:00 pm	None	Yes.[12]
AZ	18	None	9:30 pm	None	Yes.[13]
AR	48	54	7:00 pm	11:00 pm	Yes, see statute.[14]
CA	48	48	10:00 pm	None	Yes.[15]

State	Restrictions on Hours per Week		Curfew if Any		Exceptions
	14/15	16/17	14/15	16/17	
CO	40	40	9:30 pm	None	Yes.[16]
CT	48	48	10:00 pm	10:00 pm	Yes.[17]
DE	48	None	7:00 pm	10:00 pm	Yes, see statute.[18]
FL	30	30	9:00 pm	12:00 pm	Yes.[19]
GA	36	None	9:00 pm	None	No.[20]
HI	40	None	7:00 pm	None	Yes, see chapter 2.
ID	54	None	9:00 pm	None	Yes, see statute.[21]
IL	48[22]	None	7:00 pm	None	Yes, see statute.[23]
IN	48[24]	48	7:00 pm	10:00 pm	Yes, see statute.[25]
IA	28	None	7:00 pm	None	Yes, see statute.[26]
KY	None	None	None	None	No.[27]
KS	40	None	10:00 pm	None	Yes, see statute.[28]
LA	None	None	7:00 pm	None	Yes, see statute.[29]
ME	28	None	10:00 pm[30]	None	Yes, see statute.[31]
MD	23	None[32]	8:00 pm	None	Yes, see statute.[33]
MA	48	None	7:00 pm	10:00 pm	Yes, see statute.[34]
MI	48[35]	48	9:00 pm	10:30 pm	Yes, see statute.[36]
MN	40	None	9:00 pm	None	No.[37]
MS	44	None	7:00 pm	None	No.[38]
MO	40	None	7:00 pm	None	Yes, see statute.[39]
MT	None	None	None	None	No.[40]
NE	48	None	8:00 pm[41]	None	Yes, see statute.[42]
NV	48	None	None	None	Yes, see statute.[43]
NH	23	30	9:00 pm	None	Yes, see statute.[44]
NJ	18	40	7:00 pm	11:00 pm	Yes, see statute.[45]
NM	44	None	9:00 pm	None	Yes, see statute.[46]
NY	23	28[47]	7:00 pm	None	Yes, see statute.[48]
NC	18	None	7:00 pm	None	Yes, see statute.[49]
ND	24	None	7:00 pm	None	Yes, see statute.[50]

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State	Restrictions on Hours per Week		Curfew if Any		
	14/15	16/17	14/15	16/17	Exceptions
OH	18	None	7:00 pm	None	Yes.[51]
OK	48	None	6:00 pm	None	Yes.[52]
OR	None	None	6:00 pm	None	Yes, see statute.[53]
PA	18	28	7:00 pm	12:00am	Yes, see statute.[54]
RI	40	48	7:00 pm	11:30 pm	Yes, see statute.[55]
SC	n/a	n/a	n/a	n/a	See note.[56]
SD	40	None	None	None	Yes.[57]
TN	18	None	7:00 pm	10:00 pm	Yes.[58]
TX	48	None	10:00 pm	None	Yes, see statute.[59]
UT	36	None	9:30 pm	None	No.[60]
VT	48	None	7:00 pm	None	Yes, see statute.[61]
VA	40	None	7:00 pm	None	Yes, see statute.[62]
WA	18	48	7:00 pm	12:00 am	Not available.[63]
WV	40	None	8:00 pm	None	Yes, see statute.[64]
WI	24	40	6:00 pm	None	Yes, see statute.[65]
WY	None[66]	None	10:00 pm	12:00 am	Yes.[67]

ENDNOTES

1. Baldwin High School teacher, Kamehameha counselor in survey.

2. Economic Indicators, (Honolulu: First Hawaiian Bank, Research Department, July/August 1990).

3. It should be noted that 54% employers who employed high school students were opposed to legislating a curfew. It should also be noted that the Chamber of Commerce was opposed to any legislated curfew on working hours for high school students. See discussion in Part II A. of this chapter.

4. Interview, Pat Nekoba, Educational Specialist, John Wollstein, Educational Specialist for Career Education, Joanne Swearingen, Administrator, Department of Education; conducted by Cynthia Miller, Researcher, Legislative Reference Bureau, June 18, 1990.

5. Both employers who employed students and those who did not supported the requirement that a student's eligibility be conditioned on satisfactory academic performance.

6. Interview, John McGuire, Vice President for Government Affairs, Karen Street, Co-Chair, Human Resources Committee, The Chamber of Commerce of Hawaii, conducted by Cynthia Miller, Researcher, and Pamela Martin, Researcher, Legislative Reference Bureau, July 24, 1990.

7. Telephone conversation, Rodney Yasunari, Enforcement Division, Department of Labor and Industrial Relations and Cynthia Miller, Researcher, Legislative Reference Bureau, August 1, 1990.

8. School to Work Transition Centers Pamphlet (Honolulu: Department of Labor and Industrial Relations and Department of Education, 1990), p. 2.

9. National Center on Education and the Economy's Commission on the Skills of the American Workforce, America's Choice: High Skills or Low Wages, Executive Summary (Rochester, NY: National Center on Education and the Economy, June 1990).

10. Pulley, Brett, "States Step Up Push for Curbs on Teen Labor," Wall Street Journal, June 6, 1990, p. B-1. See also, Sylvester, Kathleen, "Teens are the Target of a Movement to Reform Child Labor Laws," Governing, December 1990, p. 25.

11. §25-8-4, Code of Alabama.

12. §23.10.340, Alaska Statutes, combines school and work time to limit to nine hours a day, but if no school then twenty-three hours. Alaska 23.10 350 limits work week to six days.

13. §23-233, Arizona Revised Statutes Annotated, has daily limit of three hours per day, special curfew of 7:00 pm for door-to-door solicitation sales and deliveries; §23-235 has exemptions for married, graduated, theatrical, and vocational education employment or employed by parents.

14. §11-6-108 and 110, Arkansas Statutes Annotated; exemptions §11-6-110.

15. California Labor Codes §1391, §1394 has twenty-hour limit for some agriculture jobs. §1294 reduces curfew to 9:00 pm for both classes of messengers.

16. 8-12-105, Colorado Revised Statutes, has exceptions to curfew for babysitters among others pertaining to emergency and seasonal work.

17. §31-13, 14, General Statutes of Connecticut, has exception for supermarkets and extends curfew to 12:00 midnight, among other exceptions.

18. §501, 514, 515, Delaware Code Annotated TH 19.

19. §450.081, Florida Statutes, has exception for student who qualifies on hardship basis, among others.

20. §54-305-308, Official Code of Georgia Annotated.

21. §44-1301, Idaho Code.

22. Par. 31.1, Illinois Revised Statutes, Chapter 48, does not allow 14- and 15-year-olds to work more than three hours a day when school is in session.

23. Supra note 21.

24. §20-8.1-4, Indiana Code, restricts 14- and 15-year-olds to working only three hours a day when school is in session.

25. Supra, note 23.

26. Code of Iowa. Chapter 92.

27. Baldwin's Official Edition. Kentucky Revised Statutes Annotated. Chapter 339. [Note: Section relating to hours for minors has been repealed.]

28. §38-601. §44-639. Kansas Statutes Annotated.

29. §23:151. West's Louisiana Revised Statutes Annotated.

30. Title 26 §701 Maine Revised Statutes Annotated imposes a 9:00 pm curfew on students under 15 years old and 10:00 pm curfew on students under 16 years old.

31. Supra. note 29.

32. Annotated Code of Maryland Art 100 §11 restricts students under the age of 18 to not more than a twelve hours total of school and work time combined.

33. Annotated Code of Maryland Art 100 §10.

34. Chapter 149 - §65. §66. Mass. General Laws Annotated.

35. Combined school and work hours.

36. §409.110 & §409.111. Michigan Compiled Laws Annotated.

37. §181A.04. Minnesota Statutes Annotated.

38. §71-21. Mississippi Code Annotated.

39. §294.030. Missouri Annotated Statutes.

40. §41-2-1-1. Montana Code Annotated.

41. For 14-year-olds only. §48-310. Revised Statutes of Nebraska.

42. Supra. note 40.

43. §609.240. Nevada Revised Statutes.

44. §276-A:4. New Hampshire Revised Statutes Annotated.

45. §34:2-21.3. New Jersey Revised Statutes.

46. §50-6-1 through 14. New Mexico Statutes Annotated.

47. §170. New York Labor Law. limits only 16-year-olds.

48. §170-174 New York Labor Law.

49. §95-25.5. General Statutes of North Carolina.

50. §34-07-15. North Dakota Century Code.

51. §4109.07, Ohio Revised Code Annotated, but Ohio legislature is considering legislation to impose curfew.

52. Title 40, §73, Oklahoma Statutes extends curfew to 11:30 for 15-year-old students who work in movie theatres, among other exceptions.

53. §653.315 Oregon Revised Statutes.

54. 43 Pennsylvania Consolidated Statutes §46

55. §28-3-1 and §28-3-11, General Laws of Rhode Island.

56. §41-13-5 through 60, Code of Laws of South Carolina. [Note: All authority for regulations is placed in the hands of the Commissioner of Labor and exact restrictions are not available at this time.]

57. §60-12-1, South Dakota Codified Laws Annotated. Exceptions are made for domestic servants, farm laborers, and persons attending livestock.

58. §50-5-102, Tennessee Code Annotated. General provisions §505-5-105 makes an exception for 16- and 17-year-olds to work until midnight with written parental consent but this can be no more than three times a week.

59. Art. 5181.1§5, Texas Revised Civil Statutes Annotated.

60. §34-23-202, Utah Code Annotated.

61. T.21§434, Vermont Statutes Annotated.

62. §40.1-80, Code of Virginia Annotated.

63. Washington Administrative Code §296-125-027.

64. §21-6-7, West Virginia Code

65. §103.68, Wisconsin Statutes

66. §27-6-110, Wyoming Statutes restricts working to 8 hours in a 12-hour period, there is no per week restriction.

67. §27-6-106, Wyoming Statutes includes curfew restrictions imposed on females employed in certain occupations, among other exceptions. See statute.

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Chapter 6

FINDINGS AND RECOMMENDATIONS

FINDINGS

The findings in this chapter summarize results reported in early chapters that have led to the recommendations that follow.

1. Hawaii's child labor law, chapter 390, *Hawaii Revised Statutes*, has had no significant changes relating to working during the school term in over twenty years.

2. Federal child labor law applies to a majority of local state businesses and dictates minimum standards that state law must adhere to.

3. The Hawaii law while not in direct conflict with federal child labor law apparently allows fourteen and fifteen year-olds to work in violation of federal law which limits fourteen- and fifteen-year-olds to working no more than eighteen hours a week.

4. The Department of Labor and Industrial Relations issued 10,032 certificates of age to sixteen- and seventeen-year-olds, or approximately half of the eleventh and twelfth grade high school population, in fiscal year 1989-90.

5. Certificates of age issued to sixteen- and seventeen-year-olds are not detailed enough for the Department of Labor and Industrial Relations to monitor their labor status.

6. Employers reported the average late shift for sixteen- and seventeen-year-old employees ends at 10:00 p.m. or earlier.

7. Generally, a survey, which does not purport to be of statistical accuracy, conducted by the Bureau, of students in selected Hawaii high schools reported no significant differences between students who worked and those who did not in their grades, the time spent on homework, or the days absent from school.

8. Among students who worked, those working thirty hours or or more each week reported having fewer A's, more D's, more absences, and less time spent on homework than those working fewer hours, a trend that begins to emerge in students working twenty to thirty hours a week.

9. The majority of students, teachers, principals and counselors surveyed agreed that a curfew should be imposed for sixteen- and seventeen-year-olds who work on school nights.

10. Fourteen other states currently impose curfews on the working hours of sixteen- and seventeen-year-olds on school nights.

11. Fifty percent of teachers, principals and counselors responding to a Bureau survey prefer an 8:00 curfew.

12. More students prefer a 10:00 curfew.

13. Administrators in Department of Education oppose a curfew but would concede to a 10:00 curfew.

14. If a curfew were imposed, the majority of teachers, principals and counselors surveyed favor an exception for students with financial hardship.

15. All people surveyed opposed making an exception to the curfew for students who maintained good grades.

16. Principals were opposed to making satisfactory academic performance a criteria for eligibility of a valid working certificate. Both teachers and employers were in favor of instituting this type of "2.0 Rule" as a condition for eligibility of a valid working certificate.

17. The majority of teachers, principals, and counselors were opposed to making an exception to the curfew for half-day students.

18. The majority of teachers, principals and counselors believe that students who have been suspended should be prohibited from working during the period of suspension.

19. The criminal penalty imposed by section 390-5, *Hawaii Revised Statutes*, is not effective because it is administratively cumbersome to enforce.

RECOMMENDATIONS

Senate Concurrent Resolution No. 174 seeks to determine whether or not section 390-2, *Hawaii Revised Statutes*, should be amended "to reflect the State's unqualified commitment to quality education." S.C.R. No. 174 postulates that imposing an eight o'clock curfew on sixteen- and seventeen-year-olds will help the academic performance of students because they

will have more time to work on their homework and will not work as long hours and therefore be absent and tardy on fewer occasions. While the surveys conducted for this study cannot be considered "scientific", none of the data that was generated by those surveys support the theory that working students spend less time on their homework, or are absent more days a year than nonworking students. Additionally, there was no significant difference between working and nonworking students in the grades students reported receiving. Accordingly, the data provide little or no objective support for the belief that imposing an eight o'clock curfew will necessarily address the academic problems discussed in S.C.R. No. 174 for students as a whole.

A review of some of the comments made on the surveys from both teachers and employers indicates that parents may have more opportunity to instill good academic work habits. All students overwhelmingly indicated that family obligations ranked highest in their priority of a list of activities including work for pay. The period of time this study addresses is the time away from school, the time where parents are in a greater position of authority than other adults. The administration of the Department of Education points out that just because these teens are not working, does not mean that they will necessarily be at home studying. According to the data generated by student surveys, only twenty-six percent of the nonworking students reported spending more than one and one-half hours on homework each day. If this pattern were to hold, there does not appear to be many reasons to believe that the time students now put into their jobs will be converted into study time.

Interestingly, the majority of students, teachers, principals, counselors, and employers who responded to the Bureau surveys believe imposing a curfew on the working hours of sixteen- and seventeen-year-olds is a good idea. If the majority of working students are supporting the idea of a curfew, then it may very well mean that sixteen- and seventeen-year-olds would like some assistance in controlling the hours their employers schedule them for work. Additionally, a curfew may assist communication at home for the child. It is reasonable to assume that parents of working children would expect their children to be home after work. If there is a curfew then they would know when at the very latest their child should be home. This might encourage more involvement between parent and child, at least for the working child.

Selecting an appropriate curfew time is difficult task. Students would prefer nine or ten o'clock. Teachers, principals and counselors prefer eight o'clock. Students report the latest most common late shift is over between 9:01 p.m. and 10:00 p.m. Food service employers report the latest average late shift at 10:00 with the supermarket industry reporting an average late shift of 9:40. Assuming there is to be a curfew, where is the appropriate line to be drawn?

An eight o'clock curfew would certainly give the student ample time to go home and study, but it is clearly open to doubt whether or not the student would return home to study. In fact, an eight o'clock curfew would have the student "out" at an early enough hour that might encourage the student to stay out. A ten o'clock curfew would most likely get the student

home about 10:30, with little or no expectations of starting much homework and just a half-hour before the student has lost the opportunity for a full eight hour rest before school the next day. A nine o'clock curfew presents problems for retail store owners whose shops typically are open until 9:00 and who employ a large portion of sixteen- and seventeen-year-olds. In light of these considerations, the Bureau recommends that if the Legislature decides to enact a curfew then a logical place to draw the line is at 9:30 p.m.

Imposing a 9:30 curfew is a compromise position between those of teachers, principals, employers and students. With a 9:30 curfew, parents could generally expect their child to be home at ten o'clock each night. The student still has an hour before the opportunity for a full eight hour sleep is lost (assuming a 7:00 a.m. wake-up time). To the extent that a student working to 9:30 would likely be more tired than a student working only until eight o'clock the likelihood of staying out after work is reduced. Even if a student is not going to start any homework after work, a student arriving home at ten o'clock has a better chance of getting a full night's sleep after a short period of relaxation than one who gets home later.

What the data generated by the surveys did show was that students who work longer hours each week tended to report lower grades, less time studying and more absences than those who work fewer hours. This information gives support to putting a cap on the number of hours a student may work each week. Detrimental effects are obvious when students are working thirty hours a week. Limiting the total number of hours a student may work to twenty-eight hours a week allows the student an opportunity to arrange a work schedule that satisfies the student's academic situation and the employer's needs. Twenty-eight hours is a reasonable limitation because it allows the student to work four hours a day for five days and then a full eight hours on the weekend. If an 8:00 p.m. curfew were imposed the issue of hours per week may not be as important because there would not be as much opportunity for teenagers to work extended hours each week. Federal law now limits fourteen- and fifteen-year-olds from working no more than three hours a day when school is in session and a total of eighteen hours a week. This type of hour limitation should be imposed for fourteen- and fifteen-year-olds as the average hours per week worked for those fourteen- fifteen-year-olds who work on school days is in violation of federal law.

Assuming that a curfew is imposed there should be as few exceptions to the rule as possible so that administration and enforcement of the law is not hampered. Data generated by the surveys indicate that the only exception advocated by both the teachers, principals and counselors alike is one of financial hardship. Assuming the Certificate of Age is repealed and the Certificate of Employment is reinstituted for sixteen- and seventeen-year-olds then the parents will become involved in the application process again. Only eight percent of students indicated that they were employed because the student's "family needs money." If there needs to be an exception made for financial hardship then the parents will be able to provide adequate information documenting the situation. Decisions on approving or rejecting applications for an exception to the curfew should be at the discretion of the Director of Labor

and Industrial Relations. Criteria for financial hardship could be established in administrative rules.

Therefore, if the Legislature decides that the willingness of sixteen- and seventeen-year-olds to work during the school year interferes with academic performance to a degree great enough to warrant amending the State's child labor law, the Bureau makes the following recommendations.

Section 390-2, *Hawaii Revised Statutes*, should be amended to:

(1) Impose a 9:30 curfew for sixteen- and seventeen-year-olds who work on school nights and restrict hours worked per week to twenty-eight;

(2) Repeal the Certificate of Age, but require all working students to fill out a Certificate of Employment;

(3) Restrict fourteen- and fifteen-year-olds from working more than eighteen hours a week;

(5) Make an exception to the curfew for financial hardship cases, at the discretion of the Director of Labor and Industrial Relations based on criteria established in administrative rules; and

(6) Prohibit suspended students from working during their suspension period, by excluding from the definition of "excused by school authorities" students who have been suspended.

An issue that was not directly addressed by S.C.R. No. 174 but arose in the discussion of amending the law, was that of enforcement of the law. Many feel that changing the law will have no effect because there is no enforcement. This appears to be true. Even though the State cooperates with the federal Department of Labor and many employers have been fined under federal law, no one has ever been prosecuted under the criminal provisions for a violation of the State child labor law. It is difficult and time consuming to obtain a conviction of a criminal penalty and the personnel available to monitor the child labor aspects of State labor laws is minimal. The Department of Labor and Industrial Relations advocates repealing the criminal penalty and enacting a civil fine. The Bureau agrees that this would open a door for enforcement of child labor laws at the State level that has previously been blocked.

To achieve this end section 390-5, *Hawaii Revised Statutes*, should be amended:

(1) To repeal the criminal penalty; and

(2) Impose a civil fine.

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THE SENATE
FIFTEENTH LEGISLATURE, 1990
STATE OF HAWAII

S.C.R. NO. 174

MAR 16 1990

SENATE CONCURRENT RESOLUTION

REQUESTING A STUDY OF WORKING HOURS FOR OLDER STUDENTS.

WHEREAS, the taxpayers of Hawaii are contributing about $4,776.00 to educate each student in our public schools this year; and

WHEREAS, a basic necessity for the success of any educational program is regular school attendance; and

WHEREAS, the many job opportunities available to teenagers have influenced many to work while attending school; and

WHEREAS, the present law permits fourteen and fifteen year old students to work only until 7:00 p.m. on any evening preceding a school day; and

WHEREAS, students over fifteen are allowed to work later without limit; and

WHEREAS, late working hours may have a detrimental effect on education because they contribute to tardiness or absenteeism, or leave students too tired to concentrate or get their homework done; now, therefore,

BE IT RESOLVED by the Senate of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1990, the House of Representatives concurring, that the Legislative Reference Bureau, in consultation with the Department of Labor and Industrial Relations, the Department of Education, the Hawaii State Teachers Association, and the Chamber of Commerce, is requested to conduct a study regarding the desirability of amending Section 390-2, Hawaii Revised Statutes, so that the Child Labor Law will reflect the State's unqualified commitment to quality education with stipulations such as: teens older than fifteen not be permitted to work beyond 8:00 p.m. on any evening preceding a school day; that exception be allowed for students with special considerations such as half-day students; and that any student suspended from school not be permitted to work during school hours on such days; and

S.C.R. NO. 174

BE IT FURTHER RESOLVED that the Legislative Reference Bureau is requested to submit a report of its findings and recommendations to the Legislature no later than twenty days prior to the convening of the Regular Session of 1991; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Legislative Reference Bureau, the Department of Labor and Industrial Relations, the Department of Education, the Hawaii State Teachers Association, and the Chamber of Commerce.

OFFERED BY: _____

Appendix B

CL-1 (Rev. 11/87)

State of Hawaii
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Enforcement Division
CHILD LABOR OFFICE

APPLICATION FOR MINOR'S CERTIFICATE OF EMPLOYMENT
(For Minors Under 16 Only)

WARNING: A minor is NOT permitted to work until this application is completed and returned to the child labor office and the employer receives a temporary authorization slip. See instructions and additional information on back of this application.

PLEASE PRINT OR TYPE:

Minor fills in here

1. _____ (Last Name, First Name, Middle Initial of Minor) 2. _____ (Age) 3. _____ (Sex) 4. _____ (Home Phone)

5. _____ (Mailing Address of Minor) Apt. # _____ City _____ Zip Code _____

Employer completes this portion

6. _____ (Job Minor Hired For) 7. Employment Begins On: _____ (Date)

8. Hours of Work (See back for restrictions)

	a. Starting Time	b. Quitting Time	c. # Hours Per Day	d. # Days Per Week
Mon.-Fri.:	_____	_____	_____	_____
Sat., Sun.:	_____	_____	_____	_____

9. Employer: _____ (Name of Business)

10. _____ (Business Address (Mailing Address if not same)) 11. _____ (Business Phone)

12. Type of Business: _____

13. _____ (Signature of Employer/Representative) _____ (Title)

Date of Application: _____

Parent or guardian must sign here

This request for an employment certificate is made with my knowledge and consent.

14. _____ (Signature of Parent or Guardian) _____ (Address) _____ (Phone)

To be entered by Child Labor Office

Proof of Age: BC BR DL SID MID I Date of Birth: _____

Other _____ Entered by: _____ (DLIR Official)

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INSTRUCTIONS FOR FORM CL-1, APPLICATION FOR CERTIFICATE OF EMPLOYMENT

(+For minors under 16 years only)

+Minors 16 and 17 years of age should apply for a Certificate of Age, form CL-3, by presenting an *acceptable proof of age document to the child labor office.

IMPORTANT: This application should be signed by the employer only if the minor is promised a job. A completed application (form CL-1) and an *acceptable proof of age document must be submitted to this office BEFORE THE MINOR STARTS WORKING. To avoid delay in processing, make sure this application is complete before returning. The minor is not required to appear in person-anyone may return this application and the proof of age document either in person or by mail. If employment is allowable under the Child Labor Law, a Certificate of Employment will be mailed to the employer. Certificates are issued for employment only with the employer named on this application.

LINE 1.	**MINOR'S NAME**	Please **PRINT OR TYPE** last name, first name, middle initial.
LINE 2.	**AGE**	Age of minor.
LINE 3.	**SEX**	Enter "M" if minor is a male or "F" for female.
LINE 4.	**HOME PHONE**	Telephone number of the minor.
LINE 5.	**MINOR'S ADDRESS**	Home address of the minor.
LINE 6.	**JOB MINOR HIRED FOR**	Enter the job the minor will be doing if this application is approved.
LINE 7.	**EMPLOYMENT BEGINS ON**	Date the minor will start working.
LINE 8.	**HOURS OF WORK (a to d)**	Employer must fill in the hours the minor will be working.

RESTRICTIONS ON HOURS

Minors 14 and 15 years of age may work:

- No more than 6 consecutive days
- No more than 40 hours a week
- No more than 8 hours a day (do not count rest and meal periods)
- No more than 5 hours continuously without at least a 30-minute rest or meal period
- No more than 10 hours a day of combined work and school hours when the minor is required to attend school
- Between 7:00 a.m. and 7:00 p.m. (except from June 1 through the day before Labor Day of each year a minor may work between 6:00 a.m. and 9:00 p.m.)

LINES 9. TO 12.	**EMPLOYER INFORMATION**	Employer should complete.
LINE 13.	**EMPLOYER'S SIGNATURE**	Employer must date and sign.
LINE 14.	**PARENT'S/ GUARDIAN'S SIGNATURE**	Minor's parent or guardian must sign.

***ACCEPTABLE PROOF OF AGE DOCUMENTS:**

- Birth certificate
- Notification of birth registration
- State of Hawaii ID card
- Military ID card
- Baptismal certicate
- Passport
- Immigration record (alien card, visa)
- California driver's license
- Hawaii driver's license
- School record (NOT school ID)
- Court record
- Adoption papers
- Bible records

FOR FURTHER INFORMATION:

Contact the child labor office in your county at athe locations listed below. Office hours are from 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays.

		PHONE
OAHU	830 Punchbowl Street, Room 340, Honolulu 96813	548-4071
HILO	State Building, Hilo 96720	961-7391
WEST HAWAII	Post Office Building, Kealakekua 96750	322-2775
KAUAI	State Building, Lihue 96766	245-4351
MAUI	2145 Kaohu Street, Room 205, Wailuku 96793	244-4322

This employment may also be subject to federal child labor provisions under the Fair Labor Standards Act. For information, contact the U.S. Department of Labor, Wage and Hour Division.

Appendix C

SURVEY OF HIGH SCHOOL PRINCIPALS AND GUIDANCE COUNSELORS JULY 1990

Name of School _____

Position _____

Note: Principals, please answer all questions. Guidance counselors, please answer all questions except nos. 1 and 2.

1. How many students attended your school during the Spring 1990 Semester? _____

2. How many "half-time" students did you have in your school during the Spring 1990 Semester (students released from school for one or more periods to work)? _____

3. What percentage of the students in question no. 1 do you estimate were working for pay while attending school? _____ %

4. Of the students in question no. 3, what percentage do you estimate were working due to economic hardship of themselves or their families? _____%

5. Has working on school nights adversely affected the academic performance of the students in your school?

   _____ Strongly Disagree
   _____ Somewhat Disagree
   _____ Neutral
   _____ Somewhat Agree
   _____ Strongly Agree

6. What adverse effects, if any, have you observed (or been notified of) resulting from students working on school nights? Check as many as apply:

   _____ Grades falling
   _____ Absenteeism
   _____ Tardiness
   _____ Falling asleep in class
   _____ Inattentive in class
   _____ Failing to complete homework
   _____ Not participating in class discussions
   _____ Lack of interest in school generally
   _____ Dropping out of school
   _____ Other(specify)_____

7. Please rank (with "1" being the highest), the activities you believe contribute to the adverse effects, if any, that you identified in the previous question:

_____ School-related extra-curricular and social activities
_____ Nonschool-related social activities
_____ Work for pay
_____ Volunteer or community service work
_____ Family obligations
_____ Substance abuse problems
_____ Other (specifiy) _____

8. What percentage of the students in your school do you feel experienced adverse effects on their academic performance as a result of working for pay? _____%

9. Do you think that restricting the hours students are permitted to work on school nights would alleviate these problems? Yes _____ No _____

If not, why not?

10. Can you suggest any other ways to deal with the adverse effects, if any, of student employment?

11. Is your school involved in any programs designed to integrate students' work and academic experiences? If so, describe them briefly.

PROPOSED RESTRICTIONS ON WORKING HOURS OF OLDER (16 AND 17-YEAR OLD) STUDENTS

12. Are you in favor of or opposed to changing the State Child Labor Law to prohibit 16 and 17 year-olds from working past 8:00 PM on evenings preceeding school days?

    _____ Strongly Oppose
    _____ Oppose
    _____ Neutral
    _____ Support
    _____ Strongly Support

13. Would a different curfew on working hours be preferable? Yes _____ No _____

    If so, what do you believe would be an appropriate curfew?

    9:00 PM _____ 11:00 PM _____
    10:00 PM _____ 12:00 AM _____
    Other _____

CURFEW EXCEPTIONS

14. If a curfew on working hours is imposed, should an exception be made for "half-day students" (students released one or more periods during school day in order to work)? Yes _____ No _____

15. Should there be an exception for students working because of financial hardship? Yes _____ No _____

16. Would you be willing to certify financial hardship exemptions to the Department of Labor and Industrial Relations? Yes _____ No _____

17. Should there be an exception to the curfew on working hours for students with good grades? Yes _____ No _____

    If so, what grade point average (GPA) should be required for the exception?
    GPA: _____

18. Would you be willing to certify GPA exemptions to the DLIR? Yes _____ No _____

19. What problems, if any, would you anticipate in administering any of the above exceptions to a curfew on working hours?

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20. Instead of exempting students with good grades from the curfew, would you favor a change in the law to condition all students' eligibility to work on satisfactory academic performance (similar to the "2.0 Rule" for extracurricular activities)?
In Favor _____ Opposed _____

If so, what level of academic performance should constitute "satisfactory" performance?
GPA: _____
Comments, if any:

21. Would you be willing to certify students' satisfactory academic performance to the DLIR on an ongoing basis? Yes _____ No _____

SUSPENDED STUDENTS

22. Are you in favor of prohibiting suspended students from working during school hours?
Yes _____ No _____

ADDITIONAL COMMENTS

Please let us know of any other comments or concerns that you might have concerning the impact of student employment on academic performance and/or restricting the working hours of older (16 and 17-year old) students.

Please return this survey in the self-addressed stamped envelope provided.
THANK YOU FOR YOUR ASSISTANCE.

Appendix D

SURVEY OF HIGH SCHOOL TEACHERS

The Legislative Reference Bureau (LRB) is in the process of conducting a study as a result of Senate Concurrent Resolution No. 174, passed in the most current legislative session. The study is exploring whether or not an 8:00 p.m. working curfew should be instituted for students over fifteen years of age. Both the LRB and the HSTA feel that it is important to get the teachers' input on the issues. Please take a few moments to complete this questionnaire and return it to your School Faculty Representative to be returned to the LRB. Mahalo for your cooperation.

Name of School _____

1. How many students did you have in your classes during the Spring 1990 semester? _____

2. What percentage of the students in question no. 1 do you estimate were working for pay while attending school? _____%

3. Of the students in question no. 2, what percentage do you estimate were working due to economic hardship of themselves or their families? _____%

4. Has working on school nights adversely affected the academic performance of the students in your school? ____ Yes ____ No

5. What adverse effects, if any, have you observed (or been notified of) resulting from students working on school nights? Check as may as apply.

____ Grades falling
____ Tardiness
____ Inattentive in class
____ Not participating in classroom discussions
____ Dropping out of school
____ Absenteeism
____ Falling asleep in class
____ Failing to complete homework
____ Lack of interest in school generally
____ Other (specify) _____

6. Please rank (with "1" being the highest), the activities you believe contribute to the adverse effects, if any, that you identified in the previous question.

____ School-related, extracurricular and social activities
____ Nonschool-related social activities
____ Work for pay
____ Volunteer or community service work
____ Family obligations
____ Substance abuse problems
____ Other (specify) _____

7. What percentage of your students in your classes do you feel experienced adverse effects on their academic performance as a result of working for pay? _____%

8. Do you think that restricting the hours students are permitted to work on school nights would alleviate these problems? ____ Yes ____ No

If not, why not?

9. Can you suggest any other ways to deal with the adverse effects, if any, of student employment?

(OVER)

10. Are your classes structured or designed to integrate students' work and academic experiences?
____ Yes ____ No

If so, describe them briefly.

11. Are you in favor of or opposed to changing the State Child Labor Law to prohibit 16- and 17-year olds from working past 8:00 p.m. on evenings preceeding school days?
____ Favor ____ Opposed

12. Would a different curfew on working hours be preferable?
____ Yes ____ No

If so, what do you believe would be an appropriate curfew?

____ 9:00 p.m. ____ 11:00 p.m.
____ 10:00 p.m. ____ 12:00 a.m.
Other _____

CURFEW EXCEPTIONS

13. If a curfew on working hours is imposed, should an exception be made for "half-day students" (students released one or more periods during school day in order to work)?
____ Yes ____ No

14. Should there be an exception for students working because of financial hardship?
____ Yes ____ No

15. Should there be an exception to the curfew on working hours or students with good grades?
____ Yes ____ No

If so, what grade point average (GPA) should be required for the exception? GPA: ____

16. Instead of exempting students with good grades from the curfew, would you favor a change in the law to condition all students' eligibility to work on satisfactory academic performance (similar to the "2.0 Rule" for extracurricular activities)? ____ in Favor ____ Opposed

If so, what level of academic performance should constitute "satisfactory" performance?
GPA: ____

Comments, if any:

17. Are you in favor of prohibiting suspended students from working during school hours?

____ Yes ____ No

ADDITIONAL COMMENTS

Please let us know of any other comments or concerns that you might have concerning the impact of student employment on academic performance and/or restricting the working hours of older (16- and 17-year old) students.

Please return this to your School Faculty Representative

THANK YOU FOR YOUR ASSISTANCE.

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Appendix E

STUDENT EMPLOYMENT SURVEY

The Legislative Reference Bureau is surveying students in Hawaii for the Legislature for a study on the positive and negative effects of employment on the academic performance of students. It is important that you answer the questionnaire honestly and to the best of your ability.

INSTRUCTIONS TO THE STUDENTS: All students must answer the first 13 questions. Complete questions 14 through 26 ONLY if you are employed during the school year, will be employed during the school year, or have been employed during past school years.

1. Name of School _____

2. Grade: ____10th ____11th ____12th

3. Age: ____15 or under ____16 ____17 ____18 or older

4. Sex: ____Female ____Male

5. My grades, on the average, are:
   ___ mainly A's
   ___ mainly B's
   ___ mainly C's
   ___ mainly D's
   ___ mainly F's

6. I am:
   ____ currently employed
   ____ planning to be employed during this school year
   ____ have been employed during past school years
   ____ am not employed or only work during the summer

7. Has anyone at your school given you any vocational or career guidance or assisted you in locating a job during the school year?
   ____Yes ____ No

   If yes, who? _____

8. Are you familiar with the state laws regarding the employment of minors? ____ Yes ____ No

9. On the average, how many days are you absent from school during the school year?
   ____ 0 days
   ____ 1 - 5 days
   ____ 6 - 10 days
   ____ 10 days or more

10. On an average day, how much time do you spend on homework after 3:00 p.m.?
    ____ Less than 30 minutes
    ____ 30 minutes to an hour
    ____ An hour to an hour and a half
    ____ More than an hour and a half

11. After graduation, I plan to:

    ____ get a full-time job
    ____ attend a 4-year college
    ____ attend a 1- or 2-year college or vocational trade school
    ____ go into the military
    ____ I haven't decided yet

12. Rank from 1-6 (with "1" as the highest) the priority you place on the following items.
    ____ School-related extracurricular and social activities
    ____ Nonschool-related social activities
    ____ Work for pay
    ____ Volunteer or community service work
    ____ Family obligations
    ____ Other (specify)

13. Rank from 1-7 (with "1" being the biggest contributor) the activities which you believe contribute the most to academic failure.
    ____ School-related extracurricular and social activities
    ____ Nonschool-related social activities
    ____ Work for pay
    ____ Volunteer or community service work
    ____ Family obligations
    ____ Substance abuse problem
    ____ Other (specify)

(OVER)

Answer the following questions ONLY if you are employed, plan to be employed, or have been employed during past school years. Answer the questions as they apply to you and your work experience. DO NOT include summer employment. When in doubt pick the answer that best describes your work experience.

14. The type of business I work in is:
____ Food Service
Fast Food (take-out service)___
Waiter Service _____
____ Supermarket/Convenience Store
____ Factory/Manufacturing (including pineapple cannery)
____ Retail Sales (e.g. clothes store, drug store)
____ Construction
____ Agriculture (other than cannery)
____ Amusement/Recreation
____ Office/Clerical (e.g. law firm, messenger service, CPA, etc.)
____ Hotel/Resort
____ Gardening/Groundskeeping
____ Other _____

15. I work:
____ Less than 10 hours a week
____ 10 to 20 hours a week
____ 20 to 30 hours a week
____ 30 to 40 hours a week
____ More than 40 hours a week

16. I usually work on:
____ Sunday through Thursday
____ Fridays and Saturdays
____ Both school nights and weekends

17. On Sunday through Thursday, my time shift ends at:
____ 7:00 p.m. or earlier
____ 7:01 to 8:00 p.m.
____ 8:01 p.m. to 9:00 p.m.
____ 9:01 p.m. to 10:00 p.m.
____ 10:01 p.m. to midnight
____ After midnight

18. How many hours per day, on the average, do you work on school nights?
____ 0 hours
____ 1 hour
____ 2 - 3 hours
____ 4 hours
____ 5 - 6 hours
____ 7 hours
____ 8 hours or more

19. How many hours per day, on the average, do you work on weekends?
____ 0 hours
____ 1 hour
____ 2 - 3 hours
____ 4 hours
____ 5 - 6 hours
____ 7 hours
____ 8 hours or more

20. What is your main reason for working?
____ Family needs money
____ Spending money for yourself, your car, your clothes, etc.
____ Saving for college
____ My friends work
____ Self-support (I don't live at home)
____ Other _____

21. How does your job affect your studies?
____ Very positive
____ Slightly positive
____ No effect
____ Slightly negative
____ Very negative

22. How does your job affect your school attendance?
____ It has no effect
____ It has improved my attendance slightly
____ It has improved my attendance a lot
____ It has increased my absenteeism and tardiness slightly
____ It has increased my absenteeism and tardiness a lot

23. Have you ever SERIOUSLY considered quitting school for a job?
____ Always
____ Frequently
____ Sometimes
____ Seldom
____ Never

24. How late should 16 and 17 year olds be allowed to work?
____ 8:00 p.m.
____ 9:00 p.m.
____ 10.00 p.m.
____ 11:00 p.m.
____ Midnight or later

25. Have you ever been injured while working? ____ Yes ____ No

26. Have you ever been asked to work for no pay? ____ Yes ____ No

Appendix F

SURVEY OF EMPLOYERS OF HIGH SCHOOL STUDENTS

The 1990 Hawaii Legislature passed Senate Concurrent Resolution No. 174 (introduced by Sen. Andrew Levin), "Requesting a Study of Working Hours for Older Students." Presently, Hawaii's Child Labor Law allows 14- and 15-year-old students to work only until 7 p.m. on any evening preceding a school day; students over 15 are allowed to work later without limit. The Legislature is thinking of putting restrictions on the hours for the older students (as is being done in other states). The Legislative Reference Bureau (LRB) has been asked to research this issue. This survey format was constructed by the LRB. Your views are important if this issue affects you because the 1991 Legislature will probably act to further restrict the hours of youthful workers. Take a few minutes to fill out the form below and add any comments you might wish to offer.

Please return this survey to: **Legislative Reference Bureau, State Capitol, Room 004, Honolulu, HI 96813 (or FAX it to 531-6650).**

---

1. Name of Employer _____

   _____

   Contact Person (name): _____

   _____

2. Type of Business:

   ____ Food Service

   ____ Fast Food (take out)

   ____ Waiter serviced

   ____ Supermarket/ Convenience Store

   ____ Retail Sales

   ____ Construction

   ____ Agriculture

   ____ Amusement/Recreation

   ____ Office/Clerical

   ____ Hotel

   ____ Gardening/Groundskeeping

   ____ Other: _____

3. Do you employ any students between the ages of 14 & 17?

   ____ Yes

   ____ No

4. Approximately what percentage of your labor needs are filled by students between the ages of 14 and 17?

   SCHOOL YEAR _____ %

   SUMMER _____ %

5. How many students do you employ in your business during the school year?

   _____ Age 14 & 15

   _____ Age 16 & 17

   _____ TOTAL

6. How many hours per week do your 16 and 17 year-old employees work?

HRS. PER WEEK	% OF STUDENT EMPLOYEES
Under 10 hrs./week	_____ %
10 to 20 hrs./week	_____ %
20 to 30 hrs./week	_____ %
30 to 40 hrs./week	_____ %
Over 40 hrs./week	_____ %

7. How many of your 16 and 17 year-old employees work on evenings preceeding school days?

   _____ employees

8. On the average, how many hours do your 16 and 17 year-old employees work on school nights?

   _____ employees

9. How late do your 16 and 17-year-old student employees work on evenings preceeding school days?

TIME SHIFT ENDS	NO. OF STUDENT WORKING THIS SHIFT
7:00 PM or earlier	_____ students
8:00 PM	_____ students
9:00 PM	_____ students
10:00 PM	_____ students
11:00 PM	_____ students
12:00 AM or later	_____ students

10. Would you be in favor of or opposed to an amendment to the State Child Labor Law to prohibit 16 and 17 year-olds from working past 8:00 PM on evenings preceding school days?

    _____ IN FAVOR

    _____ OPPOSED

11. Would you favor or oppose a requirement that students' eligibility to work be conditioned on academic performance?

    _____ FAVOR _____ OPPOSE

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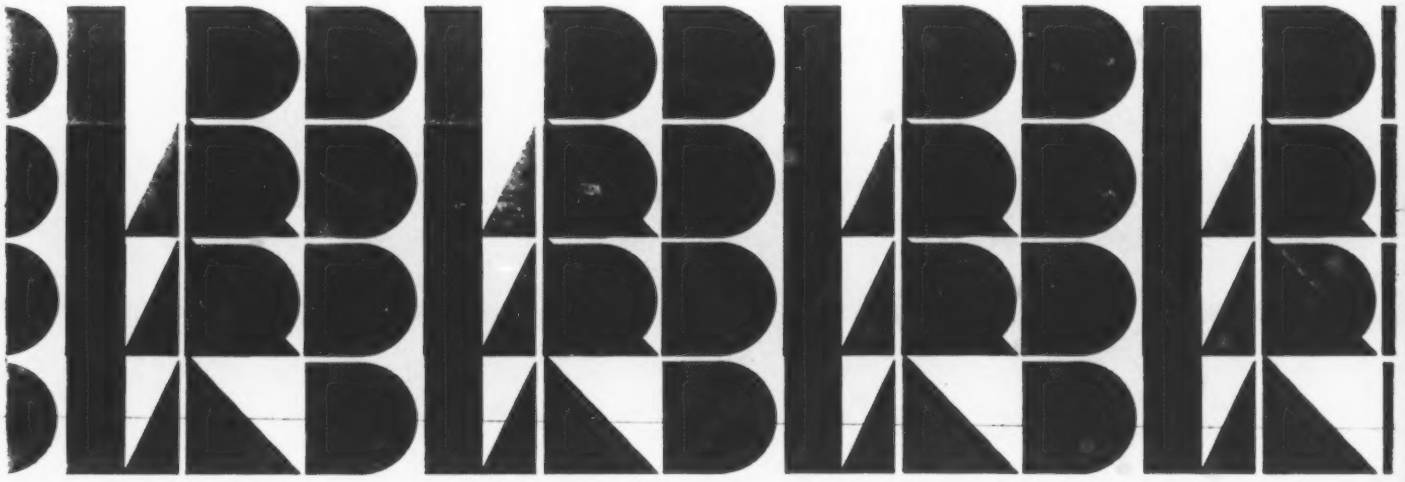

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